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ABSTRACT

This report presents the findings and recommendations of the Canadian Task Force on the Reintegration of Aboriginal Offenders as Law-Abiding Citizens. This task force was established in March 1987 by the Canadian federal government to examine and recommend changes for improving services to help incarcerated Aboriginals achieve successful social reintegration. Eight chapters cover the following: (1) organization and responsibilities of task-force participants and the principles guiding their recommendations; (2) importance of increasing Aboriginal participation and control over correctional programs; (3) correctional and parole process and the role of various agencies, social services, and educational programs in serving Aboriginal offenders; (4) description of Aboriginal inmates in terms of regional distribution, distribution by security level of holding institutions, and other variables; (5) issues concerning the case management of Aboriginal offenders such as case decision making, the use of elders as assessors, cultural and spiritual issues, the need for indigenous personnel within the correctional system, and the role of the police; (6) prerelease programs, substance abuse treatment, postrelease facilities, and other services relevant to Aboriginal offenders; (7) diversity of Aboriginal communities and factors that may enhance or inhibit a community's capacity to accept released offenders; and (8) summary of task-force recommendations. Appendices include a list of institutions and organizations consulted, mission statements of the Correctional Service of Canada and the National Parole Board, and a bibliography. (LP)

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FINAL REPORT

TASK FORCE ON ABORIGINAL PEOPLES IN FEDERAL CORRECTIONS

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FINAL REPORT

TASK FORCE ON ABORIGINAL PEOPLES IN FEDERAL CORRECTIONS

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Chapter 1

INTRODUCTION

Aboriginal people have been a concern of the Ministry of the Solicitor General of Canada since the early 1970s. Although they comprise 2.5 per cent of Canada's population, approximately nine per cent of federally incarcerated inmates are Aboriginal people.

The full extent of the problem is not known because statistics under-estimate the extent of Aboriginal representation in the federal correctional system. Conversely, Aboriginal people are under-represented as employees within the correctional system.

We do know that fewer Aboriginal offenders are granted full parole by the National Parole Board; when granted some form of release, it is later in their sentence; and they are more likely to have their parole revoked.

Responses to these problems are complicated by the fact that Aboriginal offenders are not a homogeneous group. They differ in terms of their constitutional and legal status, and the cultural differences of their Aboriginal nations of origin.

A. Mandate and Activities

Prompted by the Solicitor General of Canada, the Task Force on the Reintegration of Aboriginal Offenders as Law-Abiding Citizens was established in March 1987 to:

> Examine the process which Aboriginal offenders (status and non-status Indians, Metis, and Inuit) go through, from the time of admission to a federal penitentiary until warrant expiry, in order to identify the needs of Aboriginal offenders and to identify ways of improving their opportunities for social reintegration as law-abiding citizens, through improved penitentiary placement, through improved institutional programs, through improved preparation for temporary absences, day parole and full parole, as well as through improved and innovative supervision.

Partly because of the difficulty of obtaining reliable statistical data, which will be demonstrated in Chapter IV, and partly because of the urgency to put into place practical and efficient mechanisms to respond to the specific needs of Aboriginal offenders, the Task Force opted for an approach based on exhaustive consultation rather that one of empirical research. The Task Force consulted with federal institutional staff and Aboriginal inmate groups, Parole Board staff and members, and CSC staff Aboriginal communities, and many other groups and organizations actively pursuing the goal of successful social reintegration of Aboriginal offenders.

In responding to its mandate, the Task Force first reviewed reports published over the past ten years and used a synthesis of their recommendations as a basis for extensive consultations across Canada (see Appendix I for detailed list).

B. Organization

The Task Force was organized into Steering and Working Committees. The Steering Committee comprised the Chairman and the Senior Board Member, Pacific Region, National Parole Board (NPB); the Assistant Deputy Solicitor General, Corrections Branch, Solicitor General Secretariat; the Director, Offender Management, Correctional Service of Canada (CSC); the Assistant Deputy Minister, Indian Services, Department of Indian Affairs and Northern Development; the Assistant Under Secretary of State, Citizenship Branch, Secretary of State of Canada; and one member of the Native Advisory Committee to CSC. The Working Committee comprised officials of the same departments and agencies.

The agencies and departments involved in the Task Force offer a wide range of programs either specifically for Aboriginal offenders, or having the potential to support the successful reintegration of Aboriginal offenders. The participants in this Task Force are:

Ministry of the Solicitor General

The Ministry of the Solicitor General has responsibility for the Royal Canadian Mounted Police (RCMP), the Correctional Service of Canada (CSC), the National Parole Board (NPB) and the Canadian Security Intelligence Service (CSIS). As well, the Solicitor General plays a lead role in national policing and corrections.

- **Secretariat**

The Solicitor General maintains a Secretariat to provide advice, support and direction with respect to legislation, policy and programs relating to his mandate, as well as to provide a coordinating role for initiatives involving more than one agency of the Ministry.

Aboriginal issues are a priority within the Secretariat's Corrections Branch, which conducts research on Aboriginal corrections issues, supports demonstration or experimental projects that test innovative approaches to community corrections, and provides assistance for information development and technology transfer. In addition, the Secretariat coordinates many interdepartmental and federal-provincial corrections activities and consultation with non-governmental organizations.

- **Royal Canadian Mounted Police**

The RCMP has a mandate to enforce Canadian laws, prevent crime, and maintain peace, order and security. The RCMP provides cost-shared policing services under federal-provincial agreements with all provinces and territories except Ontario and Quebec. In addition, the RCMP provides contracted policing services to 191 municipalities in those same provinces and territories.

- **Correctional Service of Canada (CSC)**

CSC contributes to the protection of society by exercising safe, secure and humane control of offenders while helping them to reintegrate into society.

The Correctional Service of Canada is responsible for over 19,000 inmates sentenced to federal institutions. In 1987, CSC's program was delivered through 44 institutions, 16 community correctional centres (CCC) and 70 parole offices. In addition, CSC provides services through contracts, including contracts with Aboriginal organizations.

- **National Parole Board (NPB)**

The National Parole Board's mandate is:

i) to exercise exclusive authority for the conditional release of all federal inmates;

ii) to make conditional release decisions on cases of those inmates in provincial custody where the province does not have a provincial parole board; and

iii) to make investigation and recommendation for pardons and for the exercise of the Royal Prerogative of Mercy.

The Mission of the National Parole Board expresses its major concerns as follows:

> "The National Parole Board as part of the criminal justice system makes independent, quality conditional release decisions and clemency recommendations. The Board, by facilitating the timely reintegration of offenders as law-abiding citizens, contributes to the protection of society."

Department of Indian Affairs and Northern Development (INAC).

The Department of Indian Affairs and Northern Development (INAC) has responsibility to:

-fulfill the obligations of the federal government arising from treaties, the Indian Act and other legislation;

-provide for the delivery of basic services to status Indian and Inuit communities;

-assist Indians and Inuit to acquire employment skills and develop businesses;

-negotiate the settlement of Indian and Inuit claims;

-support constitutional discussions regarding the definition of the rights of Aboriginal peoples and related matters;

-provide transfer payments to the governments of Yukon and Northwest Territories;

-support the economic development of the North and protect the Northern environment including Arctic seas; and

-foster the political development of the Northern territories and coordinate federal policies and programs in the North.

Department of Secretary of State

The mandate of the Secretary of State of Canada for citizenship development and multiculturalism has led to a series of initiatives specifically designed to assist Aboriginal peoples to define their socio-cultural needs in an Aboriginal-specific context as well as within the framework of Canada's overall population.

C. Principles

The Task Force recognized the Solicitor General's corporate objective of creating a just, equitable, and humane correctional system, and the principles contained in the mission statements of the National Parole Board and Correctional Service of Canada (see Appendix II).

In attempting to synthesize the recognized need to establish enhanced Aboriginal programs and services within the existing Ministry mandate, policies, and objectives, the Task Force established the following set of principles to guide the development of recommendations and strategies:

Principle 1

That the focus of the Task Force be restricted to matters within the Solicitor General's responsibilities while recognizing that many of the problems leading to the over-representation of Aboriginal people in federal prisons are unrelated to the role of the Solicitor General;

Principle 2

That Aboriginal inmates must have access to all services and programs offered to the general population;

Principle 3

That Aboriginal offenders, like other offenders, must be given the opportunity to derive maximum benefit from the correctional process even where this means making specific provisions for Aboriginal offenders;

Principle 4

That where Aboriginal-specific services are to be provided under contract, their development and delivery should normally be by recognized Aboriginal organizations, agencies and communities;

Principle 5

That where existing policies and programs already advocate a distinct approach to meet the special needs of Aboriginal offenders, the intent is to clarify and reinforce those existing policies and procedures, in addition to establishing mechanisms for implementing the recommendations contained in this report and monitoring the progress of their implementation;

Principle 6

That awareness and sensitivity with respect to Aboriginal cultures and peoples is required in order to respond to the aforementioned principles;

Principle 7

That the report of the Task Force must offer practical recommendations and viable options which will have an impact on increasing the chances for the Aboriginal offender's successful reintegration into society.

Chapter 2

THE REQUIREMENT FOR ABORIGINAL-SPECIFIC APPROACHES

The Task Force confirmed that Aboriginal offenders face unique difficulties in obtaining and completing parole, and that, even when they face the same problems as non-Aboriginal inmates, unique solutions are required because of their cultural and socio-economic backgrounds.

The Task Force concluded that, to provide for equitable decision-making and equivalent opportunities for successful reintegration, policies, structures, and programs of the Ministry must serve to enhance Aboriginal participation within the corrections system. The Ministry must also increase Aboriginal control over programs and services as much as possible under existing law. This conclusion results from consideration of three contexts that delimit appropriate treatment of Aboriginal offenders. These contexts, described in the next sections, are legal, socio-economic, and spiritual. The following discussion describes some of the essential aspects of these factors but is in no way exhaustive.

The Legal Context [1]

The special legal status of Aboriginal peoples is a product of Aboriginal and treaty rights, and various constitutional and legislative provisions. Insofar as Aboriginal persons are members of ethnic, religious or linguistic minorities, Canada also has an international legal obligation to respect specified rights.

Constitutional jurisdiction to make laws concerning "Indians, and lands reserved for Indians" was given to the Parliament of Canada by virtue of Section 91(24) of the **Constitution Act, 1867**. Many Aboriginal groups signed treaties with the Crown in which they surrendered their claims to a portion of the land in return for reserves and other treaty rights.

More recently, certain rights of Aboriginal peoples were specifically affirmed in the Constitution. The provisions related to these rights are contained in Sections 25 and 35 of the **Constitution Act, 1982**. Section 25 states:

> 25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty, or other rights or freedoms that pertain to the Aboriginal peoples of Canada including:
>
> a) any rights or freedoms that may have been recognized by the Royal Proclamation of October 7, 1763, and
>
> b) any rights or freedoms that now exist by way of land claims, agreements or may be so acquired.

This section is important for any correctional legislation pertaining to Aboriginal people because it is probable that the "equality rights" section of the Charter (Section 15) cannot be used to strike down any existing or other rights of Aboriginal people on the grounds that they discriminate against all other Canadians. Thus, distinctions in programs or services are likely not discriminatory if they flow from the rights of Aboriginal peoples.

This section is specially significant, given S.15(2) of the Charter, which permits ameliorative programs to remedy disadvantages faced by individuals or groups. This section provides that:

> 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.
>
> (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Even when a law or program is apparently neutral at face value, it may have a different impact on some minority groups than on mainstream Canadians. For example, it could be argued that the National Parole Board, carrying out its responsibility " ... to grant release, and determine release terms and conditions" under the Parole Act, would be in violation of the Charter if decisions, procedures and conditions of parole could be demonstrated to *de facto* discriminate against Aboriginal inmates.

This kind of discrimination may be termed "systemic discrimination." It occurs when an apparently neutral law or program has an adverse effect. As a 1985 federal Department of Justice discussion paper states, "It is discrimination when neutral administration and law have the effect of disadvantaging people already in need of protection under Section 15. This form of discrimination is often not readily identified; it commonly takes statistical analysis to detect it."

In order to preclude, or at least minimize, litigation alleging "systemic discrimination" against particular groups, governments may institute affirmative action programs in the form of special treatment or consideration for members of disadvantaged minorities. "It is such legislation and programs that are referred to in Section 15(2) of the Charter when it states: "...Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups."

Since equality of results - not just equality of opportunity - is the main concern of affirmative action programs, such programs must include both "equal opportunity" and "remedial" measures. Equality of opportunity alone is not enough because the deficit situation of certain groups is such that they would continue to be seriously disadvantaged. Equality of opportunity alone will not remove the effects of past injustice. A remedial program, is therefore, required to make affirmative action meaningful.

It is significant that not only does the Charter make legitimate such considerations, but it also opens the door to legal challenges by individuals if such programs are not provided. How Section 15 will, in fact, be interpreted by the Supreme Court of Canada is, as yet, unknown.

The Socio-Economic Context [2]

Crime committed by Aboriginal people - like crime in general - is related to the socio-economic conditions experienced by Aboriginal people on and off reserves. Any reduction in crime must address these socio-economic conditions.

The socio-economic conditions of Aboriginal peoples, as compared to other Canadians, are discouraging. Generally, Aboriginal Canadians have a lower average level of education, fewer marketable skills, and a higher rate of unemployment. The infant mortality rate for Indian children is twice the national rate, while life expectancy for those children who live past one year is more than ten years less than for children of the Canadian population as a whole.

The rate of violent death among Indian people is more than three times the national average. The overall suicide rate is nearly three times that of the total population. In the 15-25 age range, the suicide rate is more than six times that of the total population.

Studies also suggest that Aboriginal offenders, perhaps to an even greater extent than non-Aboriginal offenders, come from backgrounds characterized by a high degree of family instability. Usually they have had a great deal of contact with various types of social services and criminal justice agencies. Aboriginal offenders show a high incidence of single-parent homes, family problems and foster home placements. The majority of Aboriginal offenders have long criminal records both as juveniles and as adults.

The individual and socio-economic characteristics of Aboriginal offenders will be discussed in detail in Chapter 3. It is evident that the greater socio-economic disadvantage of Aboriginal offenders points to the need for special remedial treatment.

The Health Context

The traditional Indian view of health, which is still maintained to this day, is that the term "health" means a state of complete physical, mental, social and spiritual well-being. This concept is more encompassing and holistic than the European-Canadian model of health which focuses on disease and infirmity.

The current federal policy for the provision of Indian and Inuit health services and quality of care should be comparable to standards enjoyed by other Canadians. The goal of the policy is to increase the level of health in Native communities by a program of health care which is generated and maintained by the communities themselves.

Attainment of this goal is based on three "pillars":

- socio-economic and cultural development

- Native-controlled planning, budgeting and delivery of health programs;

- adaptation of federal, provincial and municipal health services to meet the specific needs of Native communities.

The federal health policy for Indian and Inuit people recognizes the special relationship that both are committed to preserve. The policy recognizes and flows in part from the traditional Indian view of health and commitment of Indian people to preserve and enhance their culture and traditions. The movement to return to the practice of traditional medicine by both Indian and Inuit people is one that is slowly gaining momentum.

The socio-economic circumstances demanding special treatment for Aboriginal offenders include their cultural and spiritual background. Programs that are appropriate for non-Aboriginal offenders may not work for Aboriginal people because of those social characteristics. This point will be given detailed attention in Chapter 5.

A Spiritual Context

While significant differences exist among cultural and spiritual practices of Aboriginal nations, such as those between Indian and Inuit peoples, the importance attached to the teachings of the Circle is evident in many Aboriginal societies and in most, if not all, Sisterhoods and Brotherhoods. Many call it the Sacred Circle because of the deep and abiding lessons intrinsic to it.

The Sacred Circle represents a cycle with no beginning or end. Because of its symmetry, the Sacred Circle represents balance and harmony which is the ideal state for human life and for the world.

The Creator gives people constant reminders of the Circle's importance. The sun, moon and stars are circles. Many other creations, such as trees and medicine plants, are also round.

Among many Aboriginal nations, the number four has profound spiritual significance. When placed with the Sacred Circle, the number four gives many additional lessons. There are the four stages of human growth: child, youth, adult and elder. Each has its own place in the cycle of life, and each follows the others in a natural progression. At the completion of life's fourth stage, the cycle of life begins again.

The Creator made the four directions and the four winds to demonstrate the relationship of the Sacred Circle and the number four. The Creator made the four seasons, which follow each other around the Circle of the yearly cycle. Each has its own place and time. Because they are part of a Circle, each season is considered equal, although different, to ensure the balance and harmony of the Circle. If any season were removed from the Circle, the Circle would lose its balance and harmony; the Circle would be broken and the Creator's design for the world would be dishonoured.

Many Aboriginal nations recognize four sacred colours: black, red, white and yellow. These colours may be seen as representing the four primary peoples of mankind. As with all other creations, the four peoples have their own place in the Sacred Circle.

To maintain the Creator's design of balance and harmony within the Creation, each people must recognize their own place in the Circle and recognize that, while different, they must treat each other equally. If one people were to try to become the same as another, the result would be imbalance and disharmony. Disservice is done to the Creator if the differences of the four peoples are not recognized and honoured. The Sacred Circle would lose its harmony if the four peoples were not treated equally. Because of many Aboriginal peoples' deep roots in their own culture, the delivery of service to those individuals must take their spiritual and cultural background into account, including such values as art, language, family and community. Aboriginal-specific programs and services are thus warranted whenever they are required to ensure the same opportunity and equality of results.

Chapter 3

CORRECTIONAL CONTEXT

A. Correctional Process

The Task Force recognized that the requirement for Aboriginal-specific approaches must take place within the existing corrections and parole processes until such time as existing constitutional or legislative frameworks may be changed to enable different approaches.

The case management process is the basic means by which all sentences are managed. The process is designed to ensure that all relevant information about individual offenders is coordinated and focussed to produce a clear understanding of a case at any given time during a sentence. Such an understanding is required to assist offenders in making adjustments required for their successful reintegration with society as law-abiding citizens. From another perspective, the information is critical to the protection of society in that it identifies the institutional control measures required for each offender. The case management process identifies those individuals who may be safely released and specifies the conditions of their release.

The case management process represents a logical flow of events in the administration of a sentence. It includes initial and periodically updated assessments of the needs and problems of offenders. Based on the assessments, the offender's security requirements can be determined and their problems and needs professionally addressed. The needs include treatment or training within the institution, and extend to plans for accommodation, employment, training, and treatment on release. Before any major decision is made concerning security level or any form of conditional release, a summary of the offender's record, assessment, treatment plan and progress is presented to the decision-makers.

To be effective, the case management process requires reliable information about the offender. Some of that information, such as convictions and work history, is objective and easily obtainable. Other information is sometimes dependent on human interpretation. While necessary, this subjective information can lead to erroneous conclusions about an offender. Experienced practitioners avoid such pitfalls to the extent possible, and the team approach to case management favoured by the Correctional Service is designed to further reduce the danger that an offender or a situation will be misrepresented to the decision makers.

B. The Forms of Conditional Release

All offenders are, at some point in their sentence, eligible for one or more of the various types of conditional release.

There are four types of conditional release.

A temporary absence is often the first release an inmate will be granted. Temporary absences are occasional leaves granted for medical, rehabilitation or humanitarian reasons. They may be with or without escort.

Inmates serving a definite sentence (i.e., one that has an end, unlike a life or an indeterminate sentence) are normally eligible to be considered for an unescorted temporary absence after having served one-sixth of their sentence.

Day parole is a bridging program which facilitates the management of the critical transition between total incarceration and full conditional release on parole or mandatory supervision. It provides selected offenders an opportunity to participate in approved community-based activities while returning, as required, to a correctional facility. Inmates serving a definite sentence are normally eligible to be considered for day parole after having served one-sixth of their sentence.

Under full parole, offenders are entitled to spend the remainder of their sentence in the community under supervision, subject to conditions set by the NPB. Inmates serving a definite sentence are generally eligible for review for full parole after serving one-third of their sentence or seven years, whichever is less.

Offenders sentenced to life imprisonment for murder are subject to clearly defined eligibility requirements. Persons convicted of first degree murder (planned and deliberate murder, the murder of a police officer, or a prison employee) are not eligible for full parole consideration for 25 years. Eligibility for full parole consideration for persons convicted of second degree murder (any murder that is not first degree) is determined by the sentencing judge, on recommendation of the jury, at between 10 and 25 years. In both cases, inmates become eligible for unescorted temporary absences and day parole three years before their full parole eligibility date. Of the 12,674 inmates currently incarcerated in federal institutions (March 31, 1987), 351 are serving sentences for first degree murder and 991 for second degree.

Anyone convicted of murder and serving more than 15 years before full parole eligibility may apply after 15 years for a judicial review by a Superior Court judge and a jury to either reduce the remaining period before eligibility, or to be declared eligible for parole consideration immediately. To date, one case has been heard by the court and reviewed by the National Parole Board.

Persons who are paroled while serving life sentences remain on parole for life.

C. The Parole Process

The National Parole Board contributes to the protection of society by providing offenders with opportunities to establish themselves in the community as law-abiding citizens through the timely transition from the institution to the community in the safest possible manner.

Section 10 of the **Parole Act** sets forth three criteria which must be met in order for the National Parole Board to grant parole to an offender:

1. in the case of full parole, the inmate has derived the maximum benefit from imprisonment;
2. the reform and rehabilitation of the inmate will be aided by the grant of parole; and
3. the release of an inmate on parole would not constitute an undue risk to society.

The wording of Section 10 lends itself to an interpretation focussed on risk and the protection of society. The National Parole Board considers criterion 3 as the single most important criterion and criteria 1 and 2 as supportive of criterion 3. In other words, risk is the overriding factor.

Eligibility requirements are such that all offenders must serve a certain portion of their sentence under institutional conditions. Conditional release programs recognize both an offender's potential to change and the difficulty of transition from the institution to the community.

The **Parole Act** and Regulations require that a review for full parole be carried out for all federal inmates on or before their full parole eligibility date. Where full parole is not granted, a date is normally set for a subsequent review within two years, and every two years thereafter.

Offenders who are denied release or whose release is revoked may apply for a review of the decision to the Appeal Division of the National Parole Board. The Appeal Division may affirm or modify the decision or request that a new review be conducted at the regional level.

The **Parole Act** was amended in 1986 to authorize the National Parole Board, according to established criteria and procedures, to retain in custody until warrant expiry, or place under strict residential conditions, certain inmates who committed certain specified offences, who caused harm to their victims and who are considered likely to commit an offence causing death or serious harm to another person before the end of their sentence. Some inmates who have committed one of the specified offences, causing serious harm, may be judged by the National Parole Board as unlikely to cause serious harm prior to the end of their sentence. In such cases, they may be released on mandatory supervision. However, they will not be entitled to remission if that release is revoked. Because they no longer qualify for time off for good behaviour, they are, in effect, allowed only one chance in the community under mandatory supervision.

When the National Parole Board has granted conditional release, the inmate must sign a certificate that sets out the conditions of release. Many of the conditions are mandatory and are imposed on any inmate released on parole or subject to mandatory supervision. In addition, the inmate may be given some special conditions related to a particular behavioural pattern that is linked with an increasing probability of committing a crime (e.g. abstain from intoxicants).

Suspension of parole or mandatory supervision may occur because of a violation of the release conditions or because there are reasonable grounds to believe that a continuation of the release will endanger the public.

When conditional release is suspended, the offender is returned to custody and an investigation is started immediately. At any time during the following 14 days, the suspension may be cancelled if it is determined that the reasons for the suspension are not of continuing concern. When a case is referred to the National Parole Board, the Board may return the offender to prison.

D. Aboriginal-Specific Correctional Programs

The Native Liaison Support System began in the early 1970s as a result of a demonstrated need for community support and advice to Aboriginal offenders. The concept quickly grew from that original need to an extensive network of organizations and agencies across Canada that aid and assist the Aboriginal offender.

A number of Aboriginal organizations are currently engaged in Aboriginal inmate liaison duties. Many also offer other programs and services, such as halfway houses, spirituality, job placement, education, substance abuse and a variety of other services for Aboriginal offenders and their families. Some Aboriginal organizations providing a range of these services under contract to CSC are:

B.C.	Allied Indian and Metis Society
Alberta	Native Counselling Services of Alberta
Saskatchewan	Gabriel Dumont Institute
Manitoba	Native Clan Organization Inc.
Ontario	Owe Taninkega Mani
Quebec	Para-Judicial Native Counselling Services of Quebec

In addition to the above, the Correctional Services of Canada contracts at the regional level with colleges and universities for specialized programs to meet other needs of Aboriginal offenders, such as education, carving and heritage programs.

In 1985, a policy on Aboriginal spirituality was set out by the Correctional Service of Canada. This policy appears as Appendix III. Until that time, individual staff in institutions recognized the need for Aboriginal programs, and sought to address it. It was through their efforts and the evolution of Aboriginal corrections organizations that CSC is in a much better situation than twenty years ago. The policy on "Native Offender Programs," established in January 1987, contributes to the further development of Aboriginal offender programs across the country.

The combined efforts of both Aboriginal organizations and institutional staff assist Aboriginal offenders to successfully reintegrate with society as law-abiding citizens.

• *Ministry of the Solicitor General*

The Ministry of the Solicitor General has an active role in the development of Aboriginal corrections policies and programs. Specific projects and program initiatives of the Secretariat, the National Parole Board, the Correctional Service of Canada and the RCMP include:

Secretariat

The Secretariat Corrections Branch chairs the Correctional Law Review Project of the government's general Criminal Law Review. The Correctional Law Review Working Paper No. 7, "Correctional Issues Affecting Native Peoples", describes a number of legislative options relating to the correctional issues facing Aboriginal offenders and Aboriginal communities. The development of specific policies is left to the correctional agencies themselves.

The Branch provides for demonstration projects and the development of research in the field of Aboriginal corrections.

The Women in Conflict with the Law program, initiated in 1983, has funded 44 projects and activities targeted towards women who are involved with crime or who are at risk of coming into conflict with the law. The priorities for this are northern and Aboriginal women. Among the eight projects administered by Aboriginal people are the following:

- Opportunity for Advancement and Elizabeth Fry Society of Toronto have developed a group work model for women in corrections and will test it with an Aboriginal group;
- the Skokum Jim Friendship Centre in Whitehorse has developed a self-help group model to help women access existing community resources;
- The Montreal Native Friendship Centre has completed a needs assessment for those aboriginal women who are prostituting; and
- Family Life Skills Program (FLIP), sponsored by the Native Counselling Services of Alberta, has developed a group and individual counselling model to teach social and life skills.

National Parole Board

The National Parole Board is a decision-making agency, and as such, is not responsible for the delivery of programs to offenders. However, its interest in rendering appropriate decisions about Aboriginal offenders is reflected in a number of projects and initiatives designed to enhance decision-making in the case of Aboriginal offenders.

Mission Statement

In the principles contained in its Mission document, the National Parole Board recognizes the need to address specific issues relating to the social and cultural differences of offenders.

National Parole Board Member Selection Criteria

These were approved by the Solicitor General and provided to the Privy Council Office. At present, there are a few Aboriginal persons serving as either full time, temporary or community members.

Advisory Committee on Aboriginal Issues

This committee is chaired by an Aboriginal member from the Pacific Division of the National Parole Board, and comprises two additional members of the National Parole Board and two staff persons. They report directly to the Chairman of the National Parole Board.

Pre-Release Decision Policies

The National Parole Board has begun applying its pre-release decision policies. These policies are intended to make National Parole Board decisions more understandable. They specify how offenders can reduce their risk of re-offending and gain parole. The criteria make specific mention of Native spirituality, Elder counselling and other culturally oriented programs.

RCMP

Special Constable Program

Begun in 1974 in conjunction with the Department of Indian Affairs, it is designed to place Native Special Constables on reserves and adjacent areas, with a particular emphasis on crime prevention and community relations. In 1986-87, the RCMP employed 129 Native Special Constables in all provinces except Quebec, Ontario, and New Brunswick.

Cross-Cultural Training Program

A course given to RCMP recruits during their six-month training program. The course is intended to improve relationships between the police and the groups they are policing and to ensure that the services provided reflect the needs of the community.

Correctional Service of Canada

Native Advisory Committee

This committee advises the Correctional Service of Canada on Native programs and initiatives and meets twice yearly.

Native Spirituality Program

A program providing opportunities for spiritual development and guidance for Aboriginal offenders in federal facilities.

Native Liaison Worker Services

These services are for liaison with Aboriginal inmates to provide advice, assistance, counselling and community resource development. Although these services are funded by the Correctional Service of Canada, they are administered by Native organizations.

Native Brotherhoods/Sisterhoods

These associations, run by Aboriginal inmates, act as self-help groups and are the focus of cultural and spiritual activities in the institutions. Such groups exist in most federal institutions.

Employment Affirmation Action Program

This program is designed to encourage the employment of Aboriginal people at all levels within the Correctional Service of Canada.

Important programs offered in some regions include:

Native Alcohol and Drug Counselling Program

Provides group and individual counselling to Aboriginal offenders. It also provides for community resource development, referrals and follow-up.

Native Academic Upgrade Program

Improves learning skills of Aboriginal offenders. It also teaches living skills and upgrades the level of education of Aboriginal offenders.

Community Residential Services

These halfway houses for Aboriginal offenders are located in British Columbia, Alberta, Manitoba and Ontario. They are run by Aboriginal service-delivery agencies and are funded by CSC.

Supervision of Aboriginal Inmates

Native organizations provide supervision for inmates on parole and mandatory supervision in the Prairies region.

Sensitivity to Aboriginal Culture.

A program aimed at non-Native staff so that difficulties and problems encountered by Aboriginal offenders can be better understood and dealt with, e.g., in Prairies, training is offered to all staff who deal with Aboriginal inmates.

- ***Indian and Northern Affairs Canada (INAC)***

Indian Affairs and Northern Development funds a variety of programs and services that assist in the reintegration of offenders into their communities through the release and post-release processes. These include social services, post-secondary and cultural education, economic development and employment training programs, and policing and housing programs.

INAC supports band and tribal councils and a variety of Indian organizations which respond to the needs of offenders. It works with other federal departments in support of their programs for Indians.

INAC also sponsors new initiatives to encourage the design and control of programs by Indians through alternative funding arrangements, claims negotiations and self-government initiatives.

- ***Department of Secretary of State***

The Department of Secretary of State, through its Citizenship Branch, assists Aboriginal people in defining and participating in the social, cultural, political and economic issues affecting their lives in Canadian society. Specifically, six programs are administered by the Native Citizens Directorate which serves status and non-status Indians, Metis and Inuit organizations and Native-initiated and managed projects.

- ***Department of Justice***

The mandate of the Department of Justice for criminal law, access to justice for criminal law, access to justice programs, such as legal aid, justice policy development, constitutional and related issues has led to the establishment of policy and program activities directed specifically to the concerns of Aboriginal peoples including:

- Support of criminal courtworker services to Native accused under cost shared financing arrangements with provinces and the territories. The courtworker program seeks to promote the fair and equitable treatment of Native people involved in criminal proceedings particularly an understanding of their rights and of court procedures.

- A program to encourage non-status and Metis students to enter the legal profession by defraying costs associated with obtaining a degree in law.

- Ongoing participation in the self-government negotiations process, with a particular concern for issues touching upon justice administration.

Chapter 4

A STATISTICAL PROFILE
OF FEDERAL ABORIGINAL OFFENDERS AND THEIR CONDITIONAL RELEASE

A. Size of the Aboriginal Inmate Population

As indicated in Chapter I, Aboriginal people represent a greater proportion of federal inmates than of the Canadian population as a whole. Moreover, the numbers are growing. The rate of growth of the Aboriginal offender population has exceeded that of the general inmate population every year since 1982-83 (see Table 1). This is probably due, in part, to the different rates of growth that have been noted for the Aboriginal and non-Aboriginal populations in Canada generally. It may also reflect the fact that Aboriginal people are now more likely to identify their cultural origins to correctional officials. The number of male inmates in the general federal population, including federal offenders in provincial institutions, fell 1.3 per cent between 1985 and 1987, while the Aboriginal inmate population grew 3.5 per cent. However, because Aboriginal offenders still comprise a small proportion of the total federal offender population, this proportion has only grown from 8.8 per cent in March of 1983 to 9.6 per cent in March of 1987. The Prairies region has the largest growth rate of Native inmates. In March 1983, Aboriginal offenders comprised 27.3 per cent of the inmate population in the Prairies. The figure increased to 31 per cent by March 1987.[3,4]

Despite these increases, the proportion of self-identified Aboriginal inmates in federal penitentiaries, excluding federal offenders in provincial prisons, was 8.8 per cent in March of 1987, virtually unchanged from 8.7 per cent in March of 1983. This may be partially due to greater use of exchange of services agreements for Aboriginal offenders. In March of 1983, Aboriginal offenders made up 17.3 per cent of federal offenders in provincial prisons, and by March of 1987, this figure had increased to 24.7 per cent.

The creation of national policies, programs and standards is complicated by the variation in the proportion and numbers of Aboriginal offenders from region to region. As shown in Table 2, the proportion of Aboriginal inmates as of December 31, 1987, ranged from 32.7 per cent in the Prairies region to less than 1 per cent in Quebec. The difficulty posed by this variation becomes more evident when one considers that although, according to official statistics, there are 730 Aboriginal inmates spread among 11 institutions in the Prairies region, there are only 26 in the 10 institutions in Quebec.

The delivery of programs to Aboriginal offenders is further complicated by variation in the security levels of the institutions. Access to programs varies according to security levels, and as is shown in Table 3, Aboriginal and non-Aboriginal offenders differed in terms of the security levels of the institutions in which they were placed. However, the nature of the data does not permit any definite conclusions about the impact of these differences on access to programming or the probability of release. Nearly twice as many Aboriginal

TABLE 1

ABORIGINAL AND NON-ABORIGINAL INMATE POPULATION RATE OF GROWTH*

(1982-83 to 1986-87)

Fiscal Year	Non-Native % Growth Per Year	Native % Growth Per Year
1982-83	9.4	15.2
1983-84	5.0	8.7
1984-85	4.5	9.2
1985-86	3.7	6.7
1986-87	-1.3	3.5

* Includes federal inmates maintained in provincial institutions

Source: Correctional Services of Canada Offender Population Forecast 1987-88 to 1994-95

TABLE 2

REGIONAL DISTRIBUTION OF ABORIGINAL INMATE POPULATION AS A PERCENTAGE OF THE TOTAL INMATE POPULATION*

Region	Total Inmate Population	Aboriginal Inmate Population	Aboriginal Inmate As Percentage of Total Inmate	Distribution of Aboriginal Inmate Population by Region
Pacific	1531	206	13.5	18.1
Prairies	2231	730	32.7	63.9
Ontario	3383	148	4.3	12.9
Quebec	3475	26	.75	2.3
Atlantic	1025	33	3.2	2.9
National	11673	1143	9.8%	100.0%

* Includes provincial inmates in federal institutions

Source: Correctional Service of Canada Population Profile Report 31-12-87

inmates were placed in multi-level security institutions (24.6 per cent as compared to 12.6 per cent). Only 17.8 per cent of Aboriginal inmates as compared to 27.8 percent of non-Aboriginal were in S4 institutions. Also 8.1 per cent of Aboriginal inmates compared to 15.6 per cent of non-Aboriginal were in minimum security (i.e., S1 and S2).

It appears that the variation in the levels at which Aboriginal and non-Aboriginal offenders are placed is influenced by limitations with respect to the types of institutions available close to the home community of the offender. For example, the only major institution available in Saskatchewan is the multi-level

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TABLE 3

ABORIGINAL AND NON-ABORIGINAL INMATE POPULATION DISTRIBUTION BY SECURITY LEVEL OF HOLDING INSTITUTION*

Level of Security	# and % Native Inmate Population		# and % of Non-Native Inmate Population	
S1	4	(.4%)	115	(1.0%)
S2	85	(7.7%)	1535	(14.6%)
S3	154	(13.9%)	988	(9.4%)
S4	197	(17.8%)	2909	(28.8%)
S5	235	(21.1%)	1773	(16.9%)
S6	161	(14.5%)	1829	(17.4%)
Multi-Level Security	273	(24.6%)	1329	(12.6%)
Total	1109	(100.0%)	10478	(100.0%)

* As of December 31, 1987, security level designations have been reduced to three: minimum (S-1, S-2), medium (S-3- S-5) and maximum (S-6).

Source: Correctional Service of Canada Population Profile Report 31-12-87

Saskatchewan Institution, accounting for 175 of the 273 multi-level placements of Aboriginal offenders. Similarly, Stony Mountain Penitentiary, the major institution in Manitoba, accounts for 150 of the 235 S5 placements of Aboriginal offenders. The proportion of Aboriginal offenders in S6 (maximum security) institutions was slightly lower than the proportion of non-Aboriginal offenders.

B. Characteristics of Aboriginal Inmates

Problems posed by the relatively high numbers of Aboriginal offenders in the system are further compounded by the fact that Aboriginal people are not a homogeneous group. Their needs and characteristics vary according to their particular cultural groupings and differences such as whether they are status or non-status Indian, Metis, or Inuit, and of rural or urban origins. As of December 31, 1987, 74.1 per cent of the Aboriginal inmate population were North American Indian, 23.3 per cent Metis, and 2.4 per cent Inuit.

A study of CSC Prairie region Aboriginal inmates' files found that, as of 1984, 20.4 per cent were born in communities of over 10,000 people, 35 per cent in communities of between 100 and 10,000 people, 28.5 per cent in communities less than 25 kilometres from a centre of more than 100 people and 15.3 per cent from isolated or more rural communities.[5]

The implications of their rural and urban origins are complicated by their transition to urban communities. At the time of their admission to a federal institution, 67.2 per cent of Aboriginal offenders had been residing in communities of over 10,000 people, compared to the 20.4 per cent born in communities of this size.

TABLE 4

DISTRIBUTION BY REGION OF NORTH AMERICAN INDIAN, METIS AND INUIT OFFENDERS IN FEDERAL INSTITUTIONS*

Region	Total Native Inmate Population	% of North-American Indian	% of Metis	% of Inuit
Atlantic	33	87.8	3.0	9.3
Quebec	26	61.5	7.6	30.7
Ontario	146	89.7	8.2	2.0
Prairies	730	69.3	28.7	1.9
Pacific	208	79.9	20.1	0.0
Total	1143	74.1	23.3%	2.4

* Includes provincial inmates in federal institutions

Source: Correctional Service of Canada Population Profile Report 31-12-87

As noted in Chapter 2, it has generally been acknowledged that federal Aboriginal offenders come from seriously disadvantaged backgrounds. Aboriginal inmates are even more disadvantaged in some respects than other inmates. A study in progress provides socio-demographic information on a sample of 84 Aboriginal federal inmates and 793 non-Aboriginal inmates who became eligible for release in 1983-84.[6] Preliminary findings indicate that: alcohol abuse was identified as a problem among 76 per cent of the Aboriginal inmates in comparison to 64.6 per cent of non-Aboriginal inmates. Under 20 per cent of the Aboriginal offenders had a grade 10 education or less, compared to more than 30 per cent of other offenders. Employment rates also varied, with less than 17 per cent of Aboriginal offenders employed at the time of their offence, in comparison to nearly 30 per cent of non-Aboriginal offenders.

A variety of other problems are evident as well. Only 22.5 per cent had any vocational training and about two-thirds had no previous skilled employment.

These figures do not necessarily suggest that Aboriginal offenders are poor candidates for release because of poor community ties and prospects. Rather, the indicators of positive community ties may be different in Aboriginal than non-Aboriginal communities and may not appear in offender files or be used for release decision-making. These data do suggest, however, that Aboriginal offenders are likely to have important needs that should be addressed by institutional programs and release planning.

The criminal profiles of Aboriginal inmates also create impediments to their early release. Seventy-three per cent of Aboriginal inmates as of December 31, 1987, were guilty of crimes of violence, compared to under 60 per cent of other inmates. If robbery is excluded, 55 per cent of Aboriginal offenders had committed an offence against the person, in comparison to fewer than 35 per cent of other inmates.[7, 8]

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However, the greater incidence of violent crimes should not be taken as an indication that Aboriginal offenders are not as good candidates for release as others. The sentence lengths that they are serving tend to be somewhat shorter, suggesting that their offences may be less serious. In fact, 47.8 per cent of Aboriginal offenders and 37.4 per cent of non-Aboriginal offenders in federal penitentiaries on December 31, 1987, were serving aggregate sentences of less than four years. The apparent discrepancy between the prevalence of violent offences and sentence lengths may also be the result of variations in the likelihood of apprehension or charging practices.

C. Female Offenders

As of March 31, 1987, Aboriginal females comprised 14.2 per cent of the 164 women in federal prisons.[9] North American Indians comprised 11.4 per cent of the female inmate population and Metis another 2.8 per cent. The proportion of Aboriginal offenders has decreased by over 4 per cent from the figure of 18.44 per cent at the end of fiscal year 1982-83.[10]. As with the federal Aboriginal offender population generally, the proportion of federal female offenders in provincial institutions who are Aboriginal offenders has increased, from 18.2 per cent in fiscal year 1982-83 to 25.3 per cent at the end of fiscal year 1986-87.

Of the 164 women in federal prison, 144 were in the Prison for Women. Of the 21 female Aboriginal offenders in federal penitentiaries, two were not in the Prison for Women.

D. Conditional Release

Aboriginal offenders are less likely than other federal inmates to be released on parole instead of mandatory supervision. Table 5 shows that during 1987, the proportion of releases of Aboriginal offenders on full parole was 18.3 per cent, compared with 42.1 per cent for non-Aboriginal offenders. In 1983, the full parole ratio was nearly three to one in favour of non-Native offenders. Between 1983 and 1986, the proportion of full parole releases of Aboriginal inmates increased while that of non-Aboriginal inmates decreased. In 1987, following implementation of the new National Parole Board Mission Statement, the proportion of parole releases increased dramatically for both groups.

The consequence of this difference in proportion of full parole releases is that a greater proportion of non-Aboriginal offenders are serving their sentence in the community. On May 11, 1988, 32.5 per cent of Aboriginal offenders were in the community, compared with 43.2 per cent of non-Aboriginal offenders (see Table 6). In particular, it should be noted that only 10.2 per cent of Aboriginal offenders were serving their sentence on full parole, compared with 23.9 per cent of non-Aboriginal offenders. The proportions in the community on day parole were quite similar, at 6.8 per cent and 7.9 per cent respectively.
Table 7 shows that the proportion of Aboriginal offenders serving their sentence on full parole has increased steadily from 7.2 per cent on December 31, 1983. The proportion of non-Aboriginal offenders serving their sentence on full parole decreased from 23.5 per cent at the end of 1983 to 21.8 per cent at the end of 1986. This figure increased to 24 per cent at the end of 1987, following implementation of the National Parole Board's new mission statement.

TABLE 5

RELEASES OF ABORIGINAL AND NON-ABORIGINAL OFFENDERS TO FULL PAROLE AND MANDATORY SUPERVISION (1983-1987)*

YEAR	ABORIGINAL OFFENDERS			NON-ABORIGINAL OFFENDERS		
	Parole Releases	MS Releases	Proportion Parole/MS	Parole Releases	MS Releases	Proportion Parole/MS
1983	62	377	14.1%	1726	2412	41.7%
1984	70	374	15.8%	1545	2556	37.7%
1985	73	419	14.8%	1518	2821	35.0%
1986	70	375	15.8%	1628	2923	35.8%
1987	85	379	18.3%	1993	2747	42.1%

*Excludes releases for continuation of parole or MS

Source: Correctional Service of Canada Offender Information System

TABLE 6

ABORIGINAL AND NON-ABORIGINAL OFFENDERS SERVING THEIR SENTENCES IN THE COMMUNITY AS OF MAY 11, 1988*

Total Offenders	Number on Mandatory Supervision	Number on Full Parole	Number on Day Parole	Total in Community
Aboriginal Offenders				
1589	244 (15.5%)	162 (10.2%)	108 (6.8%)	514 (32.5%)
Non-Aboriginal Offenders				
18378	1943 (11.4%)	4068 (23.9%)	1346 (7.9%)	7357 (43.2%)

*Includes those continuing previous parole and MS release

Source: Correctional Service of Canada Offender Information System

It also appears that Aboriginal offenders who are paroled may serve a greater proportion of their sentence prior to being paroled. As is shown in Table 8, nationwide, Aboriginal offenders granted full parole had served 51.3 per cent of their sentence prior to being paroled, as compared to an average of 45.7 per cent of sentence for all offenders.

The fact that Aboriginal offenders serve a greater proportion of their sentence in prison is borne out in a study of all offenders eligible for parole in the period 1980-81 to 1982-83. This study found that while 16 per cent of Caucasian

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TABLE 7

ABORIGINAL AND NON-ABORIGINAL OFFENDERS SERVING THEIR SENTENCES IN THE COMMUNITY AS OF DECEMBER 31, 1983-1987*

YEAR	ABORIGINAL OFFENDERS			NON-ABORIGINAL OFFENDERS		
	Number of Offenders	Number of MS	Number On Parole	Number of Offenders	Number on MS	Number On Parole
1983	1344	194 (14.4%)	97 (7.2%)	15500	1672 (10.8%)	3648 (23.5%)
1984	1448	207 (14.3%)	117 (8.1%)	16060	1769 (11.0%)	3583 (22.3%)
1985	1543	231 (15.0%)	130 (8.4%)	16434	1988 (12.1%)	3491 (21.2%)
1986	1480	235 (15.9%)	135 (9.1%)	16572	2089 (12.6%)	3613 (21.8%)
1987	1523	222 (14.6%)	145 (9.5%)	16718	2019 (12.1%)	4007 (24.0%)

*Includes offenders on continuation of previous parole and MS release

Source: Correctional Service of Canada Offender Information System

TABLE 8

PERCENTAGE OF SENTENCE SERVED PRIOR TO GRANTING OF FULL PAROLE FOR OFFENDERS GRANTED FULL PAROLE (1987)

REGION	ABORIGINAL OFFENDERS	ALL OFFENDERS
ATLANTIC	33.2	42.3
QUEBEC	44.4	46.8
ONTARIO	52.9	44.7
PRAIRIES	53.7	47.1
PACIFIC	51.3	45.1
NATIONAL	51.3	45.7

Source: Correctional Service of Canada Offender Information System

offenders were released after having served 36 per cent or less of their sentence in prison, this was true for only 4 per cent of Aboriginal offenders.[11]

There are two main possible reasons for differences in the relative numbers of Aboriginal and non-Aboriginal offenders serving their sentence in the community on full parole. Aboriginal offenders may be more likely to forgo their right to be considered for parole, or there may be differences in the likelihood of being granted parole.

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Table 9 shows that in fiscal years 1984-85 through 1986-87, there were more negative decisions for Aboriginal offenders seeking full parole than for other inmates. For 1986-87, 20.5 per cent of decisions in respect of Aboriginal offenders resulted in the granting of parole, in comparison to 38 per cent of the decisions made regarding non-Aboriginal offenders. The proportion of decisions resulting in the granting of full parole to Aboriginal offenders has shown a consistent decline, from 25.6 per cent in 1984-85 to 20.5 per cent in 1986-87.

The data regarding grant rates appear to contradict previously presented data showing increases in the proportions of full parole releases of Aboriginal offenders and of Aboriginal offenders serving their sentence on full parole. The apparent discrepancies may be because the grant rate information pertains to the number of decisions regarding full parole, not the number of offenders about whom decisions are made, and because more than one full parole decision may be made about the same offender in a given year. For example, if there is an increase in the number of offenders being refused parole on several occasions within the year, the grant rate could show a decrease, even if the number of offenders released on full parole remained the same.

Table 10 shows that there have been small differences in the proportion of decisions in which day parole has been granted, and that the proportion of decisions in which Aboriginal offenders have been granted day parole has remained fairly constant for the three years under consideration.

The study of all offenders becoming eligible for release in fiscal years 1980-81 through 1982-83 found substantial differences in the proportions of Aboriginal and non-Aboriginal offenders being released on parole regardless of the general category of offence considered (e.g., robbery with violence, break and enter).[12] However, another study of all offenders released in 1979, 1980 and 1981 found

TABLE 9

DECISIONS TO GRANT FULL PAROLE TO ABORIGINAL OFFENDERS AND NON-ABORIGINAL OFFENDERS, 1984/85 - 1986/87

YEAR	ABORIGINAL OFFENDERS		NON-ABORIGINAL OFFENDERS	
	Total Decisions Taken	Number of Decisions to Grant F.P.	Total Decisions Taken	Number of Decisions to Grant F.P.
1984/85	328	84 (25.6%)	4319	1679 (38.9%)
1985/86	372	85 (22.8%)	4840	1606 (33.2%)
1986/87	438	90 (20.5%)	5429	2065 (38.0%)

Source: National Parole Board

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TABLE 10

DECISIONS TO GRANT DAY PAROLE TO ABORIGINAL OFFENDERS AND NON-ABORIGINAL OFFENDERS, 1984/85 - 1986/87

YEAR	ABORIGINAL OFFENDERS		NON-ABORIGINAL OFFENDERS	
	Total Decisions Taken	Number of Decisions to Grant D.P.	Total Decisions Taken	Number of Decisions to Grant D.P.
1984/85	454	264 (58.1%)	6017	3937 (65.4%)
1985/86	506	290 (57.3%)	6003	3830 (63.8%)
1986/87	564	328 (58.2%)	6364	4374 (68.7%)

Source: National Parole Board

that Aboriginal offenders were more likely to have their release revoked than were other groups of offenders, again regardless of the general category of offence under consideration.[13] Overall, 55.9 per cent of Aboriginal offenders and 66.2 per cent of Caucasian offenders completed their sentence without revocation of conditional release.

The higher failure rate for Aboriginal offenders should not be taken as an indication that they necessarily pose a greater danger to the community. A number of the issues raised during the consultations of the Task Force provide explanations that could account for the difference in release success rates of Aboriginal and non-Aboriginal offenders. For example, it was frequently argued that inappropriate conditions are imposed on the release of Aboriginal offenders, that enforcement of their conditions of release might be more stringent, that support and resources upon release are inadequate, and so forth. If the actions recommended in this report are implemented and successful, the result will not only be a change in the numbers of Aboriginal offenders in federal penitentiaries, but also an increase in their successful reintegration with the community.

E. Background on Available Data

Although the Correctional Service of Canada maintains extensive computerized information on Aboriginal offenders, problems inherent to this type of information and its management affect its utility. It is commonly held that the count of Aboriginal offenders is an underestimate. The determination of ethnicity is made on the basis of self-identification by the inmate. It is believed that some Aboriginal offenders may be reluctant to acknowledge their ethnicity on admission to an institution. Moreover, the distinctions among status and non-status Indians, Metis and Inuit can be difficult to make. In particular, the

Correctional Service had not attempted to distinguish between status and non-status Aboriginal offenders prior to 1983. Although admission forms now allow the distinction, it is not frequently made.

Data from a study of conditional release decision-making, currently being analyzed, provides exhaustive information on male Aboriginal and non-Aboriginal offenders alike. The data includes a sample of inmates becoming eligible for release for the first time in 1983-84 and a sample released in 1983-84.

The sample of Aboriginal offenders appears to be too small for analytical purposes, especially when considering North American Indians, Metis and Inuit separately within each of the release and eligibility samples.

Important changes in parole policies and procedures have occurred since 1983-84. Although the data are still useful in examining the risk posed by offenders, they are somewhat dated for an examination of decision outcomes. The data set excludes some variables, such as community of origin or residence, which are important in discussing the characteristics of Aboriginal inmates.

The current Offender Information System contains more recent detailed information on offender characteristics. However, information not currently appearing in the Population Profile reports cannot be recovered without writing complex new programs separately for Aboriginal and non-Aboriginal offenders. The Offender Management System currently under development is expected to allow detailed data on Aboriginal offenders to be more easily recovered.

A study is currently being considered that would obtain current information on the use of special conditions, additional terms and special instructions in the release of Aboriginal and non-Aboriginal offenders in the Prairie region. This information would be considered in relationship to suspension revocations and key offender characteristics.

ISSUES AND RECOMMENDATIONS

Issue

1. Available data currently underestimates the proportion of federal Aboriginal offenders.

Recommendation

1.1 The Correctional Service of Canada should examine the possibility of updating information on the ethnicity of inmates at points after admission.

1.2 Efforts should be made to improve the reporting of the status and non-status Aboriginal distinction.

Issue

2. Detailed information comparing female Aboriginal and non-Aboriginal inmates is virtually non-existent.

Recommendation

2.1 A study should be conducted of Prison for Women files from several years in order to provide a detailed profile of the characteristics and processing of Aboriginal female offenders and a comparison with non-Aboriginal counterparts.

Issue

3. Nation-wide statistics are not regularly available on certain key characteristics regarding the management of Aboriginal offenders.

Recommendation

3.1 Statistics on inmate participation in programs should provide a breakdown of the numbers and ratio of participating Aboriginal and non-Aboriginal offenders.

3.2 Procedures should be developed by The Correctional Service of Canada to collect, and regularly report on, the numbers of Aboriginal offenders residing in CRCs and CCCs on a given day.

3.3 Procedures should be developed by The Correctional Service of Canada to collect, and regularly report on, the use of exchange of services agreements for Aboriginal offenders.

Issue

4. Sufficient detail is not currently available on factors concerning decisions to release Aboriginal offenders.

Recommendation

4.1 The Correctional Service of Canada should examine the feasibility and means of recording the community of origin of Aboriginal inmates as part of its ongoing information reporting.

4.2 The development of the Offender Management System should be monitored to ensure that information on Aboriginal offenders can be readily accessed.

4.3 Ongoing studies being undertaken by the Ministry of the Solicitor General should be assessed by the Ministry Secretariat in terms of the completeness of their coverage of Aboriginal offender issues. Studies should be developed in coordination with The Correctional Service of Canada and National Parole Board to address any gaps that may exist.

Chapter 5

CASE DECISION MAKING

BACKGROUND

The administration of inmates' sentences includes a number of decisions that have significant impact on their interests and welfare. The major decisions include: classification or reclassification (which determine where and at what level of security an inmate will be placed), transfers and relocation between institutions; escorted and unescorted temporary absences; and the various types of parole release. These major decisions, however, are the culmination of a series of intermediate decisions which occur during the case management process. For example, the decision to reclassify or transfer an inmate is normally made on the basis of a Progress Summary Report. Progress Summaries of a case also support a decision to grant or reject an inmate's application for temporary absence or parole.

The Progress Summary itself is the product of a number of decisions by case management teams and their supervisors. Although they are intended to be comprehensive, the summaries contain information which, for practical purposes, must be selective. The data they contain must be organized in a manner that permits a conclusion and suggests a recommendation. The conclusion and recommendation are themselves judgements and subjective decisions. In summary, the Case Management Team (CMT) feeds the process leading to major decisions, but in also must make decisions of its own.

The Case Management Team consists of a Case Management Officer, and any other staff member who has significant involvement with the inmate. In some institutions, the Native Liaison Worker participates as an *ex officio* member of the Case Management Team.

The Case Management Team, in concert with the inmate, draws up a set of goals through the use of two processes: needs analysis and individual program planning. Needs Analysis establishes the needs of the offender, for example, education and substance abuse counselling. Individual Program Planning is the course that is charted by both the inmate and staff to fulfill the demonstrated need.

When an inmate submits a request for parole, a community assessment is conducted. The Parole Officer will then interview family, friends, potential employers or other members of the community to determine community support for the inmate. Once this assessment is completed, it is sent to the institution to be included in the Progress Summary,

Police play an integral role in the decision-making process. Officers are regularly required to undertake community assessments, especially in rural and isolated communities, and inform the National Parole Board about the community's acceptance of the released inmates. In addition, inmates are often required to make regular appearances before the police in their communities.

Finally, the police may exercise discretion in reporting parole and mandatory supervision violations, thereby affecting an inmate's success in reintegration.

In addition to community assessments, institutional staff also provide information to the National Parole Board that will assist in decision-making. Psychologists and preventive security officers regularly provide reports to the National Parole Board through the Case Management Team. Psychologists assess Aboriginal offenders throughout their sentence using a variety of assessment tools, such as the Minnesota Multi-phasic Inventory (MMPI). Any staff member who has had significant involvement with a particular inmate may be asked for input.

The National Parole Board has permanent Board members who operate from its five regional offices and national headquarters. The Parole Act allows for the appointment of a maximum of 36 full-time members. The Act also contains provisions for the appointment of temporary and community Board members. Temporary members are called upon to assist the permanent members in order to alleviate their workload. Community members have decision-making authority only in cases involving inmates serving life or indeterminate sentences. Full-time and temporary members are appointed by the Governor-in-Council, whereas the community members are appointed by the Solicitor General in consultation with the Chairman of the National Parole Board. While the National Parole Board is limited to 36 full time members, there are no numerical limitations on appointments of temporary and community members. The use of their services however, is limited by the number of person-years allotted to the National Parole Board by Treasury Board.

Parole reviews are conducted by way of a hearing or by a paper review, and each of the members involved in the review of the case has one vote. The number of votes required for a decision varies according to the length of the sentence the inmate is serving.

When the National Parole Board reviews a case, the documentation, including a recommendation prepared by the Case Management Officer (Community), is placed at their disposal. In cases where a hearing takes place, the Case Management Officer will appear before the Board to support the recommendation to approve or deny the application for parole.

Requests for transfer to lesser security also require a report from the Case Management Team.

The National Parole Board members located at national headquarters constitute the Appeal Division of the National Parole Board. They review, on paper, requests for re-examination by inmates who have been denied day or full parole, or whose releases have been revoked.

ISSUES AND RECOMMENDATIONS

A. The Assessment of Aboriginal Offenders

Aboriginal offenders are assessed repeatedly throughout their sentence using a variety of assessment procedures, tools and criteria. These assessments are conducted in support of decision-making, program assessment and case management. They may include assessment of a range of characteristics such as risk, psychological state, and personal needs.

The National Parole Board is conducting an evaluation of its release decision-making policies to examine how they apply to Aboriginal offenders. Statistical information on recidivism is not being applied to Aboriginal offenders until its validity has been assessed.

Issue

5. Although assessments are to be encouraged because they improve the objectivity of decision-making, in the past, they have not, for the most part, been validated in terms of their applicability to Aboriginal offenders. Therefore, it has been argued during the consultations and mentioned in previous studies (e.g. Solicitor General's Study of Conditional Release)[14,15] that they may not apply as effectively to Aboriginal offenders.

Recommendation

5.1 The current assessment tools, criteria, and procedures being used should be evaluated as to their validity for Aboriginal offenders. Where specialized techniques, such as psychological testing are involved, the appropriate professionals or professional organizations should be consulted.

Strategy

The Secretariat of the Solicitor General, in consultation with the CSC, NPB, and the Department of Health and Welfare, could solicit the assistance of professional societies (such as the Canadian Psychological Association) in identifying assessment and treatment techniques for use with Aboriginal offenders.

Furthermore, professional staff who are called upon to make assessments of offenders in the performance of their duties should be provided with intensive, enriched Aboriginal awareness training to ensure a high degree of sensitivity to the cultural differences of Aboriginal offenders.

Issue

6. The concern was raised in the course of the consultations that Aboriginal offenders appear to be particularly affected by the Parole Act provisions that allow the National Parole Board to detain dangerous

offenders until their warrant expiry date. Because the offences of Aboriginal offenders usually involve violence and are alcohol or drug-related, the current interpretations of these provisions may be inappropriate in assessing the need to detain Aboriginal offenders.

Recommendation

6.1 It is recommended that the detention provisions contained in the Parole Act be specifically assessed as to their applicability to Aboriginal offenders, with a view to determining how they are being applied to Aboriginal offenders so that the legislators can be fully apprised of how the Act affects Aboriginal offenders.

Strategy

The current review by the Secretariat, CSC, and NPB of the detention provisions could include an Aboriginal offender component, with specific recommendations on the application of the provisions to Aboriginal offenders and, where necessary, suggest other, more appropriate methods to determine the likelihood of persistent dangerous behaviour among Aboriginal inmates.

B. Use of Elders as Assessors

Background

Within traditional Aboriginal societies, Elders played a significant role in counselling community members in appropriate behaviour, maintaining peace and harmony among community members and generally acting as grandparent to the community. While traditional societies have evolved over the centuries, the sense of security given a community by Elders and the trust they evoke have generally remained high.

Possibly in recognition of the peace and harmony generated by Elders, their involvement within federal institutions has increased dramatically over the past decade. But although Elders are directing ceremonies with greater frequency and providing more counselling to Aboriginal inmates, there was the strong perception among several people consulted that Elders are underutilized in an important aspect of correction - the assessment of Aboriginal inmates as to their readiness for transfers, temporary absences or parole.

It has been argued that assessment tools, such as the Minnesota Multi-Phasic Inventory (MMPI), developed by professional non-Aboriginal people, are inappropriate to individuals from some classes of society and certain cultures. Questions have been raised as well about the capability of an individual from a particular socio-cultural, economic and professional background to assess individuals who do not share the same background and perceptions.

Several individuals and organizations consulted believed that Elders could provide a more accurate assessment of an inmate's capacity to successfully complete parole for a number of reasons, including: (a) an Elder's understanding of Aboriginal communities and their degree of acceptance of a released inmate; (b) an understanding of Aboriginal spiritual and cultural programs, and whether the inmate has benefited from those programs; and (c) the willingness of Aboriginal inmates to discuss their problems and aspirations with Elders who, in turn, listen to the inmates in an appropriate manner.

Issue

7. Those who believe that Elders can provide a more accurate assessment of Aboriginal inmates than other professionals used by CSC were not in agreement as to the extent of using Elders as assessors or of having Elders replace other professionals in providing assessments to the National Parole Board.

Recommendation

7.1 It is recommended that Elders, upon request of an inmate and the Elder's acceptance, be permitted to submit an assessment to the National Parole Board on behalf of the inmate. Such assessments would be given the same weight as other professional inmate assessments.

The Elder's perspective could add significantly to the understanding of the case and thus facilitate a more equitable decision.

Strategy

The willingness of Elders to serve as assessors could be appraised by requesting either regional Councils of Elders or Native Advisory Committee members to canvass Elders currently involved with institutional activities. The names of those willing would be shared with institutional staff, inmates, inmate liaison workers and regional National Parole Board officials.

A process should be developed to ensure that liaison workers assist Elders to minimize linguistic difficulties on the preparation of an assessment in either English or French. Where necessary, the liaison worker may be required to write the assessment.

The assessment prepared by an Elder should be attached to all other professional appraisals provided to the National Parole Board. Comments from the Case Management Team indicating the degree of support for the Elder's assessment could be attached to the Elder's appraisal.

C. The Need for Aboriginal Employees and Officials

Background

Employment of a significant proportion of Aboriginal people in the correctional system would assist good communications and greatly enrich the professional treatment of Aboriginal offenders. However, despite determined efforts in the past to recruit Aboriginal people, further action is required to increase the number of Aboriginal employees. Existing affirmative action recruiting programs in CSC have had the positive effect of meeting their target of 1 per cent. As of March, 1988, 1.2 per cent of CSC staff had identified themselves as being of Aboriginal ancestry. The "we-they" dynamic has been a reason for the paucity of Aboriginal people willing to accept employment within the system.

Those Aboriginal individuals who do take jobs in the Service are torn between the conflicting expectations of their correctional colleagues and the Aboriginal offenders. Some of the Working Committee's correspondents have alleged that, with little in the way of support mechanisms to deal with the resulting stress, Aboriginal staff resign early in their careers. Clearly, a new strategy is required to place more Aboriginal personnel in the correctional system.

It is important that cultural distinctions be observed for both Aboriginal staff and Aboriginal inmates. Recognizing four categories would be useful, namely: traditional persons; persons in transition; bi-cultural; and assimilated. Persons in transition are those whose culture is Aboriginal who are moving towards non-Aboriginal culture but as yet have limited functional experience with non-Aboriginal society. Bi-cultural persons are those who are experienced in both Aboriginal and non-Aboriginal societies. Assimilated Aboriginal persons are those individuals who function more easily in non-Aboriginal environments. Consultations led to the conclusion that Aboriginal people considered bi-cultural are best suited for employment and should thus be the group targeted for recruitment by CSC.

The Ministry of the Solicitor General has made an effort over the past few years to recruit and train Aboriginal staff. For example, the RCMP has a Native Special Constable Program to assist in the policing of reserves and remote communities. A number of Aboriginal people have been named to the National Parole Board over the years; the Board has established a target whereby 2 per cent of its staff will be self-identified Aboriginal people by 1991. The Correctional Service of Canada's Offender Programs Directorate has one program specifically designated for Aboriginal offenders and an Aboriginal-specific position within their Prairie regional office. CSC has established a target of 1 per cent of its staff to be self-identified Aboriginal people.

Issue

8. Communications is inevitably difficult because of the social and cultural differences between Aboriginal inmates and non-Aboriginal staff. For example, some inmates the Working Committee consulted said that they felt misunderstood by staff and, consequently, have tended to refuse all but the necessary interaction. This situation does not foster good communication with staff who are striving to keep up with the demands of inmates actively seeking involvement with them. On the other hand, staff who have a knowledge of and sensitivity to Aboriginal culture, are in a better position to overcome whatever cultural distance exists.

    The number of Aboriginal people employed within the Ministry's correctional agencies and Secretariat is insufficient when viewed in the light of either the percentage of Aboriginal people incarcerated in federal institutions, or the percentage of Aboriginal people in the Canadian population.

Recommendation

8.1 Increased Aboriginal employment within the Ministry of the Solicitor General would be a first step towards addressing perceived deficiencies in trust and communication between Aboriginal offenders and correctional administrators.

This approach could have several advantages: it would provide for better communications between offenders and the administration (staff and Board members); it would increase the awareness and sensitivity of decision-makers about the Aboriginal culture, thus leading to better quality decisions; it would provide role models for both Aboriginal offenders and for the staff; and finally, it would create a climate of greater trust and confidence within the system.

Strategy

The Solicitor General could develop appropriate affirmative action targets for the Secretariat and correctional agencies in cooperation with the Public Service Commission's Office of Native Employment.

Issue

9. When Aboriginal people are employed within the correctional system, they face a number of problems related to their employment.

The consultation revealed that Aboriginal staff find it very difficult to cope with the expectations of various groups. Consultation with Aboriginal inmates revealed myriad opinions ranging from the view that only Aboriginal staff should deal with Aboriginal inmates to the view that Aboriginal people should not be permanent employees within the correctional system. Aboriginal staff are often torn between the expectations of their colleagues and those of the Aboriginal offenders. They feel they must perform "better than the best" and that little is available in the way of support mechanisms to deal with the resulting stress.

Recommendation

9.1 It is recommended that Aboriginal staffing be approached in a manner which recognizes the many difficulties encountered by Aboriginal people who work in the correctional system, and the need to hire staff who can function in both Aboriginal and non-Aboriginal societies.

It is also recommended that strategies be developed to ensure the provision of adequate support for Aboriginal staff.

Strategy

A Task Force on Aboriginal Employment could be established by the Solicitor General to recruit and employ Aboriginal people in selected federal institutions and as parole officers on a pilot project basis. The Task Force could include representatives from the Ministry Secretariat and correctional agencies, Canadian Employment and Immigration Commission (CEIC), Public Service Commission (PSC) and representatives from Aboriginal organizations.

The Ministry of the Solicitor General could, through this Task Force:

- review the results of the National Indigenous Development Program (NIDP) which was implemented in the Prairie Region by CSC to determine how it can be expanded and exploited;
- identify and reduce the barriers to the recruitment of Aboriginal staff;
- assess which Public Service Commission and other federal programs available to minority groups may be appropriate for hiring Aboriginal corrections staff;
- examine, and possibly modify, the recruitment criteria to substitute relevant experience for academic qualifications;
- institute Aboriginal employee counselling and support programs;
- recruit Aboriginal staff in a manner similar to the approach taken by CSC for the recruitment of female staff; i.e., place a number of Aboriginal personnel in the same institution/office at the same time;
- encourage Aboriginal employees to further their education in specialized fields by affording them educational leave with pay.

To complement the above, the Ministry of the Solicitor General could accept the offer from members of the CSC Native Advisory Committee to train, within their agency, prospective candidates for employment within the corrections system.

Issue

10. Aboriginal offenders and corrections/parole staff in all regions expressed an urgent need for Aboriginal National Parole Board members, especially from the Prairies and Northern areas. The view was that an expanded number of Aboriginal Board members would tend to involve Aboriginal communities and increase communication and trust between the National Parole Board and Aboriginal offenders. This would in turn lead to parole decisions which are consistent with conditions in the North and Aboriginal communities.

Recommendation

10.1 Effort should be made to increase the number of Aboriginal people on the National Parole Board by appointing more Aboriginal community members.

Strategy

The Solicitor General could consult with his counterparts at Indian and Northern Affairs Canada and the Secretary of State, as well as with various Indian, Metis and Inuit organizations to obtain the names of prospective candidates for appointment as permanent and temporary members to the National Parole Board.

Issue

11. One of the concerns raised in the course of the consultation process was the need for a structure that guarantees the availability of Aboriginal expertise at the regional and national level.

Recommendation

11.1 It is recommended that an Aboriginal person be hired in each of the regional and national offices of the CSC and NPB.

Strategy

Two possible options exist: (a) existing available person-years can be dedicated for these positions; or (b) a submission can be made to increase the Solicitor General's person-year complement. A combination of these two options may be required to obtain the desired result.

D. Role of the Police

Background

Many of those consulted did not favour police involvement in pre-release community assessments. On the one hand, the majority of Aboriginal inmates expressed the strong belief that they could not get a fair assessment by the police. Inmates were of the opinion that the police automatically give negative assessments because they do not want to deal with released offenders in their jurisdictions. On the other hand, police often feel pressured by community leaders and the victim's family to write negative assessments.

In many communities, released inmates are required to report to their local police detachment on a regular basis. Many inmates expressed the concern that this requirement forced them into continued contact with the arresting officer and served to remind the community that they had been in a federal institution. In many remote locations, the police have become the primary supervisors for released inmates. The police expressed concern that their time could be put to better use, and some officers consulted did not understand the purpose of this requirement.

Many Aboriginal inmates and representatives from Aboriginal organizations suggested that the police may not exercise the same degree of discretion in determining whether to report parole and mandatory supervision violations for Aboriginal offenders as they do with non-Aboriginal offenders.

Issue

12. The varying perceptions of inmates and the police regarding the frequency and reasons for negative police assessments have often led to tensions between the police and offenders or Aboriginal communities.

Recommendation

12.1 Police responsible for contributing to community assessments in Aboriginal communities should be given appropriate training.

Strategy

As part of police training, orientation prior to assignment to Aboriginal communities should include discussions on the various pressures affecting officers conducting community assessments.

Recommendation

12.2 Other sources of information regarding community acceptance of Aboriginal offenders should be used in addition to, or as an alternative to, police reports whenever possible.

Strategy

The movement towards community-based policing in Aboriginal communities may significantly reduce the tensions experienced between police and communities through a better understanding of policing functions and community needs.

Issue

13. The police are often used as part of the parole supervision process. This cuts into their other duties and may add to resentment between the offender and police.

Recommendation

13.1 It is recommended that alternative methods of offender reporting be established in those communities prepared to assume that function.

Strategy

As part of the community assessment process, tribal councils and Native organizations, or other community leadership structures, could be asked to assume a role in the supervision of released inmates.

On a regional basis, the National Parole Board and CSC could, along with relevant law enforcement agencies, look for alternative methods of reporting that would meet the needs of the National Parole Board, CSC, the police, the community and the offender.

E. The Need for Increased Awareness and Sensitivity

Background

Consultation with Aboriginal offenders, Liaison Officers and Aboriginal groups has pointed to a communication gap between the offenders and the authorities. In addition, those consulted perceived a lack of understanding on the part of decision-makers about Aboriginal Peoples and Cultures. CSC personnel and members of the National Parole Board have described their uneasiness when reviewing the cases of Aboriginal offenders. This uneasiness is due to their lack of familiarity with Aboriginal culture and lack of understanding of the reactions of Aboriginal offenders in an interview situation.

Training sessions and workshops have been held at the national regional, and local levels to increase the sensitivity of Ministry personnel to Aboriginal cultures. At the present time, however, a systematic Ministry approach to cross-cultural training does not exist.

Issue

14. The lack of cultural awareness among corrections decision-makers is often perceived by offenders as insensitivity. This, in turn, results in a lack of trust and confidence by the offenders in the people who are responsible for rendering decisions.

Recommendation

14.1 It is recommended that a Ministry policy be developed to address the need for awareness and sensitivity among Ministry staff and officials of the ways and culture of the Canadian Aboriginal nations.

Strategy

This policy could be developed by the Secretariat, following:

a) a determination of awareness training needs for specific target groups within the Ministry, including Board members and staff, CSC and RCMP staff and Secretariat officials;

b) an assessment of the policy's impact on staff, staffing and operations; and

c) an assessment of the policy's implications.

Issue

15. A variety of approaches may be required as part of a cultural awareness policy because of:

    a) the differing needs and priorities for information and awareness;

    b) the regional variations in the number and proportion of Aboriginal inmates; and

c) the variations in the availability of resources to implement awareness training.

Recommendation

15.1 To implement the above policy, it is recommended that the Secretariat in consultation with the agencies develop proposals for training on Aboriginal cultures for presentation to the Solicitor General. The consolidated proposals would form a training plan for the correctional components of the Ministry that would be assessed annually.

Strategy

The Secretariat and agencies could identify their respective needs for training, taking into consideration the following factors:

1. the nature of their involvement with Aboriginal people;
2. the various groups of staff within the organization and the degree of their interaction with Aboriginal offenders;
3. the number of Aboriginal offenders within each region.

The proposal could also address the timeliness, content and format of the training as well as mechanisms for the evaluation of its effectiveness. For example, the training could:

- be part of the initial orientation program;
- be ongoing as part of continuing education rather than one-time sessions;
- include direct experience, for example, on-reserve training sessions and visits to Aboriginal communities and organizations;
- provide for continued exposure to significant events pertinent to Aboriginal corrections such as Native Brotherhood functions, conferences and workshops; and
- include information on such issues as spirituality (provided by Elders), the conditions and resources in Aboriginal communities (with special reference to Northern communities) and the value of the Brotherhoods and Aboriginal programs.

The training should be contracted to Aboriginal individuals or agencies, unless compelling circumstances indicate otherwise.

In considering the above, assistance could be sought from Employment and Immigration Canada, Indian and Northern Affairs Canada and the Department of the Secretary of State for suggestions as to the training and development of current staff.

The yearly employee evaluation should also assess the efforts made by affected personnel to better understand the Aboriginal culture.

Issue

16. The current recruitment and selection processes for new employees do not allow the Ministry to adequately assess their ability to work effectively with Aboriginal offenders.

Recommendation

16.1 It is recommended that the heads of agencies within the Ministry of the Solicitor General develop appropriate tools to assist in hiring staff who have the capability of working with Aboriginal offenders, for those positions which require significant interaction with Aboriginal offenders.

Strategy

CSC and the RCMP should identify those staff whose positions bring them in direct contact with Aboriginal offenders.

The statement of qualifications of identified key positions should include knowledge of Aboriginal cultures and peoples as part of the essential requirements. In addition, the rated requirements should include experience and ability to work with Aboriginal peoples and an ability to speak one or more Aboriginal languages.

The Secretariat, in consultation with the CSC and the RCMP, should review and assess existing recruitment and selection tools that may be adaptable to the needs of the Ministry. As Indian and Northern Affairs Canada has experience in developing requirements for rating the capacity of candidates to work with Aboriginal offenders, that Department should be consulted.

F. Waivers

Background

The Parole Act allows inmates to waive their right to a parole hearing and/or to a parole review. If an inmate waives the right to a hearing, the National Parole Board will review the case on the basis of the information available on the case file, without the benefit of meeting the inmate. If the inmate waives the right to a review, the National Parole Board is not obligated to study the case. The offender who waives the right to either a hearing or a review may do so conditionally, for example, until such time as confirmation of acceptance to a half-way house has been given. In any case, offenders who waive such rights may change their minds. They dc not forfeit their right to a hearing review.

On the other hand, an inmate who is refused parole, either at a hearing or on the basis of a paper review, cannot re-apply for parole until six months have elapsed following the denial. Exceptions are the revelation of new facts or events which may significantly alter the chances for release, or a request for a review of the denial by the Appeal Division of the National Parole Board. When the inmate applies for parole six months after a denial of release, the case preparation must be updated and the chances are that the actual review will not occur for a further four months. Therefore, it is likely that an inmate whose parole has been denied will not be considered again for parole for ten to twelve months following the denial decision.

These alternatives and their effects appear to create a lot of confusion. Some correctional staff do not understand the waiver process: Many Aboriginal inmates consulted by the Working Committee have asserted that Case Management Officers are encouraging them, sometimes in subtle ways, to waive their parole hearings. Often Native Liaison Officers are, at the same time, encouraging the inmates to present themselves at their hearings.

The communications from the National Parole Board also vary, depending upon the region involved. For example, one region wishes to systematically discourage the use of waivers whereas in another region, members consider waivers acceptable in some circumstances, particularly in situations where the inmate's release plan requires more time for completion.

Issue

17. During the consultation process, the Working Committee heard concerns that waivers by Aboriginal inmates occur at a higher rate than that of other offenders. The current understanding between the Correctional Service of Canada and the National Parole Board is that waiver rates will not be allowed to exceed ten per cent nationally.

It should be noted that ill-advised encouragement to waive, particularly in cases where an inmate waives the right to a review of the case, carries the serious consequence of limiting the discretionary powers of the National Parole Board.

Recommendation

17.1 It is recommended that clear and concise information be made available to both correctional staff and inmates as to the available options regarding waivers.

17.2 It is recommended that waivers be closely monitored and in a detailed fashion.

17.3 It is recommended that the National Parole Board and CSC develop a clear national policy concerning waivers and ensure that the policy is understood by all decision-makers.

Chapter 6

PROGRAMS AND SERVICES

The policies of the Correctional Service of Canada dealing with social, cultural, recreational and educational matters have, over the years, enabled the development of a number of programs and services for Aboriginal inmates. For example, a policy on Citizens' Advisory Committees provides a framework for the activities appropriate to the needs of the ethnic inmate groups. This has led to the formation of national and Prairies Region Native Advisory Committees. The Commissioner's Directive on Native Offender Programs has also fostered the development of appropriate services and programs for Aboriginal offenders.

Because of the size and complexity of federal corrections, it is not surprising that there are broad regional variations in approach. However, the variations in the quality and availability of programs may be greater than necessary for a national service.

Part of the cause may be related to the way Aboriginal-specific programs are funded. Most Aboriginal-specific programs and services are delivered at local or regional level. Programming is decentralized because the needs and interests of Aboriginal offender groups vary by location and over time, as do the community resources available to meet those needs and interests. For example, traditional West Coast wood carving might appeal to inmates in the Pacific region where artisans are available to teach the craft.

The funding for many Aboriginal programs is at the discretion of the management of institutions. Unlike the budgets at the national and regional levels, institutions' budgets do not contain resources specifically allocated to Aboriginal offender programs. Consequently, funding is based on the total number of inmates contained within an institution, without regard to its ethnic composition. For that reason, it is difficult to determine how much is spent on programs for Aboriginal offenders

A. Pre-Release Programs and Services

- *Program Delivery*

Background

During the consultation process, Aboriginal inmate groups and individuals have invariably expressed the need for Aboriginal-specific programs that are sensitive to their cultural perspectives. They have been supported in their plea for such Aboriginal-specific programs by Liaison Workers, Elders and Aboriginal volunteers.

The Task Force determined a number of reasons for specific programs for Aboriginal offenders.

- As stated earlier, the distrust between inmates and staff is heightened when Aboriginal inmates are in a position where they must relate to non-Aboriginal program staff.

- Participation of Aboriginal inmates in some programs is inhibited by cultural barriers, program process and, sometimes, by language. For example, some Aboriginal inmates are uncomfortable with the Christian derivation of materials and process in Alcoholics Anonymous.

  On the other hand, the same inmates will respond positively to the teachings of the Medicine Wheel and to the trusting intimacy: features of Sacred Circle groups which focus on alcohol abuse. Even literacy training may be affected because of different approaches to learning and different problems requiring different solutions.

- Some Aboriginal inmates fear revealing themselves to non-Aboriginal inmates within the dynamics of group treatment situations.

An expanded Commissioner's Directive on Native Offender Programs issued in January, 1987, specifies that the needs of Aboriginal offenders should be clarified by specifying under what conditions existing programs or services are insufficient. Where the needs are not being met, the Directive specifies that consideration should be given to developing Aboriginal-specific programs.

A growing number of Aboriginal-specific programs have been developed in some institutions to respond to the needs of Aboriginal offenders, including needs related to substance abuse, life skills and adult basic education. These programs have been well received. CSC has also approved a plan whereby Aboriginal substance abuse programs will be delivered in all major institutions.

Issue

18. There was no consensus among corrections staff as to whether Aboriginal-specific programs are needed or warranted. For those who believe that Aboriginal-specific programs are appropriate, there was no consensus as to which programs should be given priority.

Recommendation

18.1 The Commissioner's Directive should specify that programs specific to the needs of Aboriginal inmates are required whenever:

a) sensitivity to the needs of Aboriginal offenders by other inmates is a factor (e.g. group counselling);

b) language is a factor;

c) differences in cultural approaches to learning require different techniques; and

d) the problems addressed by the programs have a different basis for Aboriginal inmates than for non-Aboriginal inmates.

Strategy

CSC Research and Evaluation and the Secretariat Corrections Branch could identify specific program areas requiring special programs.

The current CSC review of its health services could take into consideration the health problems more specific to Aboriginal people.

Because of the budgetary implications of implementing some parallel Aboriginal programs, the cost of such programs should be assessed during the Multi-Year Operational Plan (MYOP) exercise.

Recommendation

18.2 **The correctional system should make available programs which are particularly suited to serving the spiritual and cultural needs of Aboriginal offenders. Where numbers warrant, programs should be offered for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.**

Strategy

Depending on the final outcome of the Correctional Law Review, legislation could be adopted to address this recommendation.

Issue

19. Protective custody inmates are housed in a separate section of an institution for a variety of reasons, including a history of sexual offences, outstanding gambling debts to other inmates, etc. Their common characteristic is that they believe they would not survive in the general inmate population.

Their exclusion from the general population makes the provision of programs awkward, especially for Aboriginal offenders. Staff and inmates were of the opinion that Aboriginal inmates in protective custody were not receiving equitable programming because of the reluctance of Liaison Workers and Elders to visit protective custody units.

Recommendation

19.1 **The Correctional Service of Canada should ensure that Aboriginal service organizations recognize that the provision of services to Aboriginal offenders in protective custody is included in contractual agreements.**

Strategy

The regional contract administrator for the CSC should ensure that contracts specify the inclusion of Aboriginal inmates in protective custody, and that the directors of Aboriginal-controlled organizations providing contract services are aware that failure to provide services to these inmates can be considered a breach of contract.

Institutional program evaluation staff should monitor the provision of services to Aboriginal inmates in protective custody and report any concerns in this regard to the regional contract administrator.

- *Spiritual Practices*

Background

In response to national policy, most regions have established Councils of Elders who assist in resolving issues related to the practice of traditional Aboriginal spirituality in institutions.

At a recent disturbance in a major federal institution, the Aboriginal inmates abstained from any participation. Some observers have attributed this to the positive influence of spiritual practices.

The practice of allowing traditional Elders to perform spiritual services for Aboriginal inmates began in 1972 at Drumheller Institution. The practice has expanded across the country in varying degrees and has been supported by national policy since 1985 (This policy is outlined in Commissioner's Directive #702, attached in Appendix IV). It is clear that the opportunity to engage in traditional spirituality has been seized enthusiastically by Aboriginal, and some non-Aboriginal, inmates. The practice of traditional spirituality includes solitary pursuit as well as group ceremonies which must be led by a qualified practitioner.

In addition to the Commissioner's Directive on Aboriginal spiritual practices, CSC has also developed a Commissioner's Directive on religious services and programs (CD #750), which is attached in Appendix III. Furthermore, CSC has attempted to increase the level of knowledge and understanding of Aboriginal spirituality through the development and distribution of information packages.

The National Parole Board has also adopted a policy recognizing that Aboriginal spirituality and Aboriginal-specific programs have the same value in assisting Aboriginal offenders as other programs have for non-Aboriginal offenders.

Issue

20. Medicine and pipe bundles can range in size from the size of a marble to a pouch large enough to enclose a large bowl and stem of a ceremonial pipe. They are leather bags and are often secured with leather thongs.

    Pipes and sacred bundles, which are often integral to a spiritual practice, are subject to inspection by security personnel when the Elders visit the institutions. If the bundle is handled by security personnel, it may be viewed as having been desecrated.

Most Elders are prepared to remove the contents of bundles for visual inspection, but object to their being handled by officers. Depending upon the tradition of an individual Elder, unauthorized handling is a desecration requiring that the bundle be purified and rededicated. As well, the x-raying of bundles is often considered taboo.

Recommendation

20.1 To complement the national directive, regional instructions and standing orders should be developed addressing the issue of security clearance for Elders' sacred bundles and ensuring sensitive handling of those bundles.

Strategy

The Regional Instructions or orders should be drafted after consulting with Elders, or the contracting agencies, to ensure that security imperatives and the requirement for sensitive procedures are met.

CSC should expand and update the information contained in the spirituality packages and ensure that they are available within institutions.

In order to reinforce this recommendation, consultations on the Correctional Law Review Working Paper on Native Peoples should examine the legislative option that:

> The correctional service shall recognize the spiritual rights of individual Aboriginal offenders, such as the right to group spiritual and cultural ceremonies and rituals, including pipe ceremonies, religious fasting, sweat lodge ceremonies, potlatches, and the burning of sweetgrass, sage and cedar.

Issue

21. Despite the Commissioner's Directive on Native Offender Programs, Elders are sometimes not permitted into segregation or dissociation areas.

Recommendation

21.1 The issue of access to segregation and dissociation should be addressed by giving contracted Elders the same status as Chaplains.

Strategy

Paragraph 3 of the Commissioner's Directive #750 on Religious Services and Programs could be amended to include Aboriginal Spiritual Elders contractually engaged to attend to inmates. Consequently, the revised paragraph would read:

> 3. Aboriginal Spiritual Elders on contract shall be accorded the same recognition in the institution as chaplains in indeterminate positions.

Paragraph 6 of the same Commissioner's Directive could be amended to include Aboriginal Spiritual Elders contractually engaged to attend to inmates. Consequently, the revised paragraph would read:

> 6. Chaplains and Aboriginal Spiritual Elders shall have access, at all times, to all areas of the institution to minister to inmates and staff; normal consideration shall be given to security requirements, personal safety and established working hours of inmates.

Within the context of consultations on the Correctional Law Review Working Paper on Native Peoples, consideration should be given to the legislative options outlined regarding Aboriginal Spirituality, specifically:

> Aboriginal spirituality shall be accorded the same status, protection and privileges as other religions. Native Elders, spiritual advisors and ceremonial leaders shall be recognized as having the same status, protection and privileges as religious officials of other religions, for the purposes of providing religious counselling, performing spiritual ceremonies, and other related duties.
>
> Where numbers warrant, correctional institutions shall provide an Aboriginal Elder with the same status, protection and privileges as an institutional chaplain.

Issue

22. Conflict has arisen between Aboriginal inmates and correctional staff about the frequency of sweat lodges and other ceremonies in the federal institutions.

Recommendation

22.1 Guidelines should be developed regarding the minimum number of sweats and other ceremonies in any federal institution. The guidelines must reflect a balance between inmate needs and institutional requirements.

Strategy

Meetings could take place between recognized Elders or a Council of Elders and institutional staff to determine the appropriate number of sweats and other ceremonies in a given year.

The issue of minimum number of ceremonies should be addressed by the CSC Native Advisory Committee.

The decision about the number of institutional ceremonies should be supported by adequate resources for these activities.

In order to reinforce this recommendation, consultations on the Correctional Law Review Working Paper on Native Peoples should examine the legislative option that:

> The correctional service shall recognize the spiritual rights of individual Aboriginal offenders, such as the right to group spiritual and cultural ceremonies and rituals, including pipe ceremonies, religious fasting, sweat lodge ceremonies, potlatches, and the burning of sweetgrass, sage, and cedar.

• *Federal-Provincial Exchange of Services Agreement*

Background

Exchange of services agreements exist in every province and territory, except Ontario. They afford the federal inmates transferred to provincial facilities the opportunity to serve their sentence in closer proximity to their home communities and the supports available in those communities. At the same time, provincial inmates may be transferred to a federal penitentiary for various reasons. Most agreements are limited to the costs of correctional transfers. Recently, some agreements, such as the agreement concerning the Grierson Centre in Edmonton, have contained references to program delivery.

Issue

23. Except for more recent exceptions, exchange of services agreements do not contain any provision respecting the delivery of programs and services and therefore, the Ministry cannot guarantee transferred inmates that they will receive programs and services that are at least equivalent to those received by Aboriginal inmates incarcerated in federal institutions.

Recommendation

23.1 Any new exchange of service agreement with provinces or territories should contain minimum standards for the provision of programs and services to federal Aboriginal offenders. At the earliest opportunity, existing agreements should be amended to include such standards.

Strategy

The example of the proposed Agreement with Alberta for the operation of the Grierson Centre by the Native Counselling Service of Alberta could be used as a guideline in drafting future agreements.

Exchange of service agreements should stipulate the reciprocal requirement for governments to provide annual reports outlining the services provided to Aboriginal inmates.

- *Female Aboriginal Offenders*

Background

The Prison for Women in Kingston, Ontario, is the only federal institution for female offenders in Canada. Aboriginal female offenders and other female offenders will often opt to serve their sentences in a provincial facility in order to be closer to their home community and, more important, to their children.

The Prison for Women has implemented an array of programs for Aboriginal offenders. However the difficulties encountered by male Aboriginal offenders in integrated programs are also acutely experienced by female Aboriginal offenders.

The shortage of day parole facilities, which is a problem for Aboriginal male offenders, is even more acute for female offenders. This causes difficulties for the National Parole Board when considering the grant of any form of release on day parole.

The recommendations for male Aboriginal offenders regarding Exchange of Service Agreements, greater utilization of home placements and Aboriginal-specific programs within the institutions also apply to female Aboriginal offenders, namely:

- that the current CSC efforts to expand the use of exchange of service agreements should be endorsed and the latter should include provisions for programs, delivery standards and annual reporting;
- that because of the inability to grant conventional day parole in some cases, greater utilization should be made of individual homes in place of half-way houses; and
- that the Commissioner's Directive on Aboriginal-specific programs should be modified to give clear direction as to the circumstances under which Aboriginal-specific programs should be provided.

In 1984, the Ministry of the Solicitor General implemented the Women in Conflict with the Law (WICL) initiative. The major objective of this-five year program was to increase the number of community agencies providing support to female offenders in a more coordinated manner.

Issue

24. A consequence of incarceration of female Aboriginal offenders at the Prison for Women is a *de facto* severance of family relationships due to the distance between their home community and the institution.

Although the same comment could be made for many male offenders, female offenders usually find it very difficult to re-establish themselves in a normal way of life after their release because their husband or companion is not likely to have awaited their return, and the children are usually dispersed in foster homes.

Recommendation

24.1 Because of the geographical distribution of women incarcerated in the Prison for Women, ways must be found to increase the opportunities for incarcerated women to meet regularly with their families.

Strategy

Various options have been offered by the groups consulted as to the possible implementation of such a program such as:

- the granting of extended temporary absences to allow female Aboriginal offenders to visit their families when distance is a factor;
- short-term transfers under an exchange of service agreement; and
- coordination of transportation for family visits with agencies currently providing services to federal female inmates.

Issue

25. The small number of female offenders overall, and the relatively small number of female, as compared to male, Aboriginal offenders often inhibits the development of programs and services required to meet their needs.

Recommendation

25.1 Where appropriate, Aboriginal-specific programs must be developed for Aboriginal female offenders even though such programs may be less efficient than programs for males given the low number of participants that may result.

Strategy

The exercise to determine adequate Aboriginal-specific programs discussed earlier should consider the needs of Aboriginal female inmates.

The differences in resource requirements should be factored into the MYOP.

Issue

26. Due to the small number of Aboriginal female inmates, innovative programming may be required.

Recommendation

26.1 The Ministry should explore the potential to develop a holistic approach that treats a variety of problems within the context of a single program for Aboriginal female offenders at the Prison for Women.

Strategy

Officials from CSC and the Secretariat could explore alternate forms of programming.

Issue

27. There is a serious lack of day parole facilities for Aboriginal female offenders.

Some women require a more structured environment and more counselling immediately after release than would be available in a private home placement situation. Furthermore, private home placements may not be as easily found for Aboriginal female offenders who have a history of violent behaviour.

Co-ed facilities are not considered a viable alternative in the long-term for Aboriginal female offenders who have a history of sexual abuse.

Recommendation

27.1 Adequate bed space must be found for released Aboriginal female offenders in key locations across Canada.

Strategy

Negotiations could take place with other jurisdictions to either:

a) purchase adequate bed space in existing CRCs; or

b) share the costs for the establishment of new facilities.

- ***Inuit Offenders***

Background

As indicated in Chapter IV, Inuit offenders represent 2.4 per cent of the total Aboriginal population in federal penitentiaries. The majority are incarcerated in the Prairies (24) and in the province of Quebec (8), although all regions with the exception of the Pacific have a few. Their small numbers create many of the same problems as were previously noted with respect to female Aboriginal offenders.

The Inuit offenders are also in a unique, and very difficult, situation. There are no Inuit-specific programs available for them within the institutions, and their limited knowledge and understanding of either official language of Canada prevents them from participating in other programs that are available.

Incarceration requires the Inuit to adapt to a situation that is difficult for any offender, but which is completely foreign to their experience. They must learn to live within a closed environment, in a different climate, hearing a strange language, and eating unfamiliar foods.

Contact with their families is very difficult to maintain, and is thus usually non-existent. Although life in their home community may change and evolve, they have no way of learning about these changes.

The decisions that are made in the course of an inmate's sentence are based on a series of assessments, and favourable decisions are dependent upon demonstration of positive progress. Given the lack of assessment tools which are validated for Inuit offenders, language difficulties, and the lack of professional staff knowledgeable about the Inuit culture, Inuit offenders find it difficult to demonstrate any progress. They are usually "model" inmates, but in reality they gain very little from their incarceration and it is unlikely to assist them in modifying their behaviour.

The same strategies that have been offered for maintaining the community ties of other Aboriginal offenders should be assessed as to their applicability to Inuit offenders. Specifically:

- greater use should be made of exchange of service agreements for the incarceration of Inuit offenders;
- consideration should be given to greater use of private home placements for Inuit offenders; and
- the suggested strategy for family visits for female Aboriginal offenders should also be considered for Inuit offenders.

Issue

28. There are no institutional programs specifically designed to assist Inuit offenders.

Recommendation

28.1 It is recommended that CSC provide programming specifically designed for Inuit offenders.

Strategy

Inuit offenders could all be located in one or two institutions, allowing those who do have a knowledge of the English and Inuit languages to serve as interpreters.

At least one staff member could be hired to provide counselling and services to Inuit offenders.

Through the auspices of the Secretary of State, arrangements could be made for the Inuit Broadcasting Societies to make videos about Northern communities available to Inuit offenders in their language.

Arrangements with the Inuit Communications Societies could also be made through the Secretary of State for the provision of other forms of communication, for example, newspapers, to Inuit offenders.

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Similar arrangements could be made with the National Film Board for the rental of programs and documentaries about Northern communities.

- *Liaison Services*

Background

Through contractual arrangements with private Aboriginal service organizations, The Correctional Service of Canada provides Aboriginal liaison services to Aboriginal offenders in all but one of its regions. The number of such workers and the areas of their deployment vary from region to region, based on the number of institutions and the number of Aboriginal inmates within them. In the Atlantic region, there are currently no liaison workers to serve any of the four institutions. In the Quebec region, one worker provides service in all nine of the institutions. The Ontario region's nine institutions are served by three workers. The Prairies Region, with the highest density of Aboriginal offenders, has four workers deployed to cover the eight institutions in the region.

Although task specialization is beginning to take place in institutions covered by more than one worker, the following tasks are considered to be the more significant services performed by the workers:

- assisting in the orientation of recently admitted Aboriginal inmates;
- providing support and assistance to the spiritual Elder;
- participating in case management team meetings on an ad hoc basis to provide information and cultural interpretations;
- guiding the Native Brotherhood, or other groups with similar aims, in planning its social, cultural, spiritual, recreational and peer-help activities; and
- providing liaison between institutions and inmates communities.

Other services are provided by the workers whenever the need arises. For example, they provide crisis counselling to assist staff members in establishing rapport in emergency situations. They also act as consultants in conceiving and developing new programs and services.

The National Parole Board has recognized the value of the role played by the Native Liaison Worker and has accepted the principle that Liaison Workers could, on request, be present at hearings without interfering with the offenders' right to be assisted by a person of their choice.

Issue

29. In the Atlantic region, an attempt to decentralize responsibility for providing liaison services in institutions has been unsuccessful due to limited financial resources. This made it impossible to fund both the liaison service and other important Aboriginal programs and services at the same time. The result is that, at the present time, there are no liaison services in this region.

Based on the number of Aboriginal inmates in the Quebec region, one worker would appear, on the surface, to be sufficient to meet liaison needs. However, the distribution of inmates in many institutions over a large geographic area belies appearances because travel consumes too much worker time; consequently, many needs cannot be met.

During consultations in the Ontario region, the Working Committee was presented with concerns that there are too few workers for the number of institutions in the region and consequently, the service from the workers is inconsistent and unreliable.

In the Prairie region, no liaison services are provided to inmates in the Regional Psychiatric Centre, which houses a significant number of Aboriginal inmates. Additionally, the worker-to-inmate ratios at the Saskatchewan Institution, High Maximum Security Unit Complex, the Saskatchewan Farm Annex, Bowden Institution, and Edmonton Institution were scarcely adequate.

The four workers allocated to the Pacific region must provide service to eight institutions. While the worker-to-inmate ratios are not unfavourable, workers could provide more comprehensive service if one were assigned to each major institution. By means of such an arrangement, workers would have the advantages of operating in a single environment as well as putting to better use the time now spent on travel.

The Working Committee was presented with two additional concerns of staff and inmates in a number of locations. These pertain to female inmates and to those inmates who are in protective custody.

At the Prison for Women, the staff reported that the vast majority of the inmates have histories of sexual abuse or exploitation by men. For that reason, the staff believe that the inmates would relate better to female liaison workers than to the male workers who are presently assigned to the prison.

In several locations, both staff and inmates observed that liaison workers rarely provide services to inmates in protective custody.

Some groups consulted observed that liaison workers are selected, in a large measure, on the basis of their knowledge of Aboriginal communities and culture. Many have not had work experience in correctional settings, and some are not fully effective in their duties within penitentiaries until they have gained experience in federal corrections. Consequently, some means should be found to train the workers before they are assigned to institutions.

Another concern identified by the Working Committee was that the different methods of funding liaison workers across the country would tend to lead to varying expectations of liaison services from region to region. While some regional variation is understandable, it is believed that the existence of national minimum standards for liaison services would ensure consistent expectations.

Recommendation

29.1 Aboriginal liaison services should be restored to the Atlantic region as soon as possible.

29.2 A formula should be developed for use in determining the number of Native liaison workers required in each region.

29.3 A Female Native liaison worker should be assigned to the Ontario Region for the Prison for Women.

29.4 National minimum standards for Native liaison services should be developed.

Strategy

CSC should consider the inmate-to-worker ratio in order to ensure the most cost-effective distribution of liaison workers for each region. However, when a worker must cover more than one institution, the importance of other factors should also be considered. For example, travel will consume worker time at the expense of essential liaison duties. Also, the worker must spend time and energy in maintainig good working relationships with the staff in all the institutions served. Finally the need to provide backup service during a worker's absence should also be considered.

Time devoted to appearances before the National Parole Board should be assessed in order to ensure a sufficient number of workers and an equitable distribution of the workload.

• *Release Preparation*

Background

During the consultation tours, many respondents expressed concern regarding the difficulties Aboriginal inmates face upon their release from incarceration. Case management officers provide pre-release assistance to Aboriginal inmates. They instruct offenders on the skills required to respond to the situations likely to be encountered upon release, and the special programs available in this regard. However, staff are hampered by the lack of adequate information regarding programs, benefits and services available in the community. Consequently, once released, offenders are often referred from agency to agency without their needs being met. Specific concerns included:

- Offenders often have insufficient funds to support themselves because no financial support has been arranged prior to release. This problem is compounded by government agencies that are reluctant to provide assistance.
- Offenders may be released from incarceration without social insurance numbers or other documentation. Such needs should be anticipated so that offenders can obtain employment or receive training, health services and other benefits.

- Some inmates arrive at halfway houses expecting to be enrolled immediately in school or training for which there are lengthy waiting lists. They may also arrive at a house with unrealistic expectations as to what staff can do to assist them.

The above concerns apply to non-Aboriginal offenders as well. However, Aboriginal offenders, particularly status Indians, may qualify for other programs designed specifically for Aboriginal people.

The report of the Ruygrok Inquest contains recommendations regarding information flow between institutions and halfway houses, and Ministry proposals are being formulated to address the problem areas identified.

Many inmates expressed concern about the lack of assistance from the case management team in the preparation of their release plan. Some alleged that they have to make all the community contacts themselves. They subsequently find that the arrangements they make in this regard are not accepted by the case management team. The new CSC standards and guidelines for case management clarify the role of staff in this regard and should improve the situation.

Issue

30. There is insufficient coordinated information provided to institutional staff about the range and requirements of services and programs available to Aboriginal inmates upon release. Furthermore, institutional staff receive inadequate feedback about difficulties experienced by Aboriginal inmates in obtaining these community services.

Recommendation

30.1 Information should be compiled in reference format regarding the benefits and services various jurisdictions provide to conditionally released Aboriginal offenders. Such reference material should be provided to institutions and post-release facilities for use in assisting inmates with release planning.

Strategy

The reference document should distinguish services provided to Aboriginal offenders according to their constitutional and legal status, (e.g., to status Indians as compared to other Aboriginal persons), and include information regarding the requirements and means to apply for, and receive, such benefits.

The Secretariat of the Solicitor General, in cooperation with other federal departments, should take the lead in:

a) initiating discussions with other jurisdictions to provide necessary information;

b) identifying mechanisms to fill the gaps in information; and

c) identifying mechanisms for updating and maintaining the compiled information.

Recommendation

30.2 Case management officers and parole staff should be provided with feedback and suggested action regarding problems experienced by released Aboriginal offenders in obtaining programs and services, required documentation, education and health services.

Strategy

The regions should develop reliable mechanisms for providing institutional staff with the needed feedback.

Issue

31. Consultations indicated that halfway houses routinely receive insufficient information from institutions about clients. What information they do receive may arrive too late for them to make adequate preparations to receive and assist the inmate.

Recommendation

31.1 Mechanisms should be developed to improve communication and ensure that halfway house staff and the inmate understand what can be realistically achieved during the inmate's residence there. The exchange of information should clearly establish what release preparation tasks should be undertaken by each party.

Strategy

Release of Aboriginal offenders to halfway houses should provide for a three-day evaluation before a final decision is made as to the acceptability of an inmate. This strategy, which should be applied to federal offenders generally, is already being used successfully with both Aboriginal and non-Aboriginal offenders in Quebec.

Programs and measures that may be developed as a result of the Ruygrok inquest should give consideration to the special needs of Aboriginal offenders.

Issue

32. Confusion between institutional and CRC staff as to responsibility for certain support tasks may affect the ability of inmates to carry out release plans.

Recommendation

32.1 The exchange of information should clearly establish what release preparation tasks should be undertaken by each party.

Strategy

The reference document of benefits and services discussed in recommendation 30.1 should specify responsibility for accessing specific benefits and services.

- *Citizens Advisory Committees*

Background

Members of the Citizens Advisory Committees (CACs) are appointed by the wardens with the approval of the CSC regional Deputy Commissioner. The policy objective related to CACs is stated in Commissioner's Directive #023 as follows:

> To contribute to the functioning of the Service and humane treatment of offenders by involving citizens in the overall development of Service installations and by strengthening the ties between the field units and the local community through the establishment of CACs.

The Commissioner's Directive states that:

> The membership of CACs should be a "representative cross-section of the community, and should also correspond to the needs and characteristics (e.g., ethnic composition) of the installation:

The role of CACs is to

> "...assist and advise the Director in implementing national, regional, and local community-related policies and plans...., promote positive interaction between the institution and community; and participate in the development and maintenance of community resources...." (see Appendix V)

To date, institutions have reported a lack of success in recruiting Aboriginal persons to serve on CACs.

Aboriginal people have complained that CAC meetings are held irregularly and infrequently. Concern was also raised that some of the Aboriginal CAC members who must travel significant distances are not always reimbursed for expenses. Furthermore, the terms of reference for CACs were seen as too vague, thereby leading to confusion.

Issue

33. Despite the requirements of the Commissioner's Directive on Citizens Advisory Committees, the number of Aboriginal persons on CACs does not reflect the ethnicity of the prison population.

Recommendation

33.1 Wardens should ensure that the number of Aboriginal people represented on Citizens Advisory Committees increases to ultimately reflect the proportion of Aboriginal inmates in institutions.

The addition of Aboriginal people to the committees would assist in assessing unmet cultural needs and in identifying and recruiting volunteers and other resources to improve programs and services.

Strategy

The wardens could contact the Aboriginal service delivery organizations within their region to obtain the names of prospective members for the Citizens Advisory Committees and contact these candidates to confirm their willingness and availability to perform such a function.

To maintain Aboriginal representation on CACs, consideration must be given to regular meeting schedules, clarifying Committee members' roles and reimbursing members for expenses incurred.

- *Facilities*

Background

The proposal to convert an existing federal institution into an all-Aboriginal prison has been raised over the past decade on several occasions, and was recommended in the 1984 Carson Committee Report. This proposal has been rejected for a variety of reasons. In addition to creating an Aboriginal "ghetto" within the federal corrections system, an Aboriginal-only institution would result in many offenders being held at inappropriate security levels and being incarcerated too far away from their home communities.

While, in most cases, the consultations reinforced the arguments against the creation of an all-Aboriginal institution, some Aboriginal people consulted held the opinion that it is premature to totally reject the idea of a separate institution. The rationale provided was that a separate approach was required due to the different needs and behaviours that affect the rehabilitation of Aboriginal people. It was thought that mixed institutions only serve to reinforce the differences between Aboriginal and non-Aboriginal inmates. The concept of an Aboriginal institution does not refer to the inmate population which could have diverse cultural backgrounds, but rather to address programs and services rooted in Aboriginal traditional approaches, culture and spirituality.

Issue

34. The Ministry of the Solicitor General should decide whether an all-Aboriginal institution is consistent with its policies.

Recommendation

34.1 Proposals to convert existing federal institutions to all-Aboriginal facilities should be rejected.

34.2 Consideration should be given to establishing alternatives to all-Aboriginal institutions where programs and services could be provided within an Aboriginal culture context.

Strategy

The Ministry could explore the possibility of contracting for space in existing provincial camps as part of exchange of services agreements.

• *Information Provided to Aboriginal Offenders*

Background

All inmates are provided with information about institutions programs; policies and procedures for transfers; eligibility, application, and preparation for release; the parole hearing process; and requirements after release. Such information is provided to all offenders in the same manner, by means of inmate orientation and induction programs, booklets, and discussions with institution or parole staff and members of the National Parole Board.

The National Parole Board and the Correctional Service of Canada have already committed themselves to the production of a documentary film that will explain the processes related to parole preparation, parole hearings and parole supervision. This document will be developed by an Aboriginal organization and will involve the participation of Elders.

Issue

35. Although the same information is made available to all offenders, consultations revealed that Aboriginal offenders often fail to understand, for one reason or another, the intricacies of the correctional and parole process. This comment probably applies to many offenders, but Aboriginal offenders often will not attempt to seek clarification from the administration because of lack of trust or difficulty in communicating.

Recommendation

35.1 Information about the correctional and parole processes should be presented to Aboriginal offenders in a manner which is better adapted to their approach to learning.

Strategy

Documented information could be made available to inmates regularly, so that it can be consulted at key periods in the course of the offender's sentence.

Correspondence addressed to Aboriginal offenders should be in plain language and take into consideration the offender's level of education.

Translators should be engaged when required to ensure that information is communicated accurately.

B. POST-RELEASE FACILITIES AND SERVICES

Background

With the support and assistance of CSC, Aboriginal service-delivery agencies have established five halfway houses across Canada. They are located in Halifax, Sudbury, Winnipeg, Edmonton and Vancouver. Most facilities are located in urban areas. Although many Aboriginal offenders from rural and isolated areas wish to remain in an urban centre, many others have no choice but to reside in urban settings to avail themselves of benefits. Few are equipped to reintegrate into an urban environment, and the difficulties they encounter contribute to failure or revocation of their release.

Several Board members acknowledged that they are often unable to grant day parole to Aboriginal offenders due to the absence of suitable halfway facilities, in or near, their home communities.

As described in the section on female offenders, there is a serious shortage of day parole facilities for Aboriginal women, which often presents serious problems for release planning.

Those consulted expressed the need to expand the availability of facilities or create alternatives across Canada. New facilities or alternatives must be developed through an Aboriginal community or service-agency and be staffed by trained Aboriginal people. The priority is for the establishment of facilities or alternatives in rural and northern areas. For example, those consulted consistently expressed the need for facilities in northern Quebec, northwestern Ontario, northern British Columbia, and northern Manitoba.

The small number of released inmates in some areas would require that facilities be shared with provincial or territorial governments, or that other alternatives be sought.

Issue

36. Because of the lack of sufficient Aboriginal-controlled halfway houses, many Aboriginal offenders may have their release denied or delayed. Furthermore, if release is granted, there is usually no option but to use facilities not intended specifically for Aboriginal offenders, or not suitably located for effective conditional release.

Recommendation

36.1 It is recommended that the CSC develop a long-term plan to improve post-release services for parolees from northern areas. Such a plan should include the introduction of halfway houses, and requirements for supplementary information, counselling and community reintegration services.

Strategy

CSC should continue to research the needs, possible locations and potential costs for new halfway houses, particularly in northern areas.

Potential sites frequently mentioned for the establishment of such facilities were Prince George, Kujuak, Thunder Bay, Thompson, and the James Bay area.

The use of alternative facilities such as Friendship Centre hostel facilities should be considered in consultation with the National Association of Friendship Centres (NAFC).

This strategy should be developed in concert with initiatives for federal female Aboriginal offenders.

Issue

37. Halfway houses, as currently constituted, are not economically feasible in some areas because of the inefficiencies resulting from low numbers and because of operational and construction costs in remote areas.

Recommendation

37.1 Consideration should be given to the use of alternatives to halfway house facilities, such as the indirect supervision of parolees placed in private homes.

Strategy

In developing the long-term plan described in recommendation 36.1, consideration should be given to defining alternatives acceptable to the Ministry and to conducting further discussions with Aboriginal peoples.

C. SUBSTANCE ABUSE TREATMENT

Background

Previous reports and studies have acknowledged that the criminal behaviour of a substantial majority of Aboriginal offenders is related to substance abuse. The presence of such problems and an inmate's involvement in related treatment programs are considerations in the release decision, as is the availability of post-release treatment and support.

Most persons consulted thought that substance abuse treatment requires Aboriginal-specific programming, given that exposure to Aboriginal spirituality and culture can make a major contribution to rehabilitation.

Aboriginal inmates tend not to participate in substance abuse treatment programs designed for the general inmate population. Experience within the Service, to date, indicates that Aboriginal inmates respond positively to treatment which has appropriate cultural content or which is facilitated by Aboriginal counsellors.

Aboriginal-specific substance abuse treatment is presently offered in a number of Correctional Service institutions. Sacred Circle groups, Native Alcoholics Anonymous and Aboriginal life skills groups with a substance abuse focus are some of the approaches which have been well received by inmates. The programs in place carry the added benefit of extending beyond concerns with substance abuse to positive life style changes, including spiritual practice.

The demonstration projects which have been approved for implementation in some institutions promise to lead to the availability of appropriate treatment in all institutions with sufficient Aboriginal inmates to form treatment groups.

While a majority of people consulted acknowledged the need for Aboriginal-specific substance abuse programs as a part of institutional programs, the Native Alcoholic Centre of Manitoba proposed a different approach. Representatives of the centre maintained that effective treatment of inmates could only take place when substance abuse treatment was integral to all programming. They recommended the establishment of therapeutic communities within federal institutions as the most effective means of treating substance abuse problems. The concept of consolidated programming was a theme raised by a number of other commentators as well.

The need for community follow-up treatment and support was also recognized.

The National Native Alcohol and Drug Abuse Program (NNADAP) of the Medical Services Branch, Department of National Health and Welfare, was established to provide culturally appropriate, community-based addiction services to Indian and Inuit communities.

NNADAP provides a range of preventive services including individual and group counselling; crises intervention; diversion programs; education and public awareness activities; and aftercare counselling. Also, spiritually and culturally focussed treatment and rehabilitative programs are provided.

Currently, services are provided through approximately 300 community-based prevention programs and 37 inpatient treatment facilities, having a combined 500-bed capacity. Most NNADAP centres offer a 28-day residential treatment cycle.

Some of the treatment centres which are funded by NNADAP are now accepting former inmates for treatment. It should be noted that these centres are designated for on-reserve status Indians. Metis or non-status Indians wishing to go for treatment may have to pay a per diem fee, and this payment would have to originate from source or be cost-shared by provincial governments.

NNADAP is also funding a research project entitled, "Native Inmate Liquor Offender Program". It is a culturally appropriate pre-treatment, education and referral program which is being delivered as a pilot project at two sites: the Kenora Jail and the Guelph Correctional Centre. The NILOP program, based on Aboriginal experience and cultural ways, emphasizes total abstinence from alcoholic beverages and encourages inmates to seek additional counselling and/or treatment after their release. A final evaluation of the NILOP program will be conducted in September 1988, after 12 months of operation.

The Correctional Service of Canada is now referring some parolees to these centres, and the Solicitor General Secretariat is assessing the capacity and willingness of the others to accept federal offenders.

Issue

38. Aboriginal inmates and organizations are not satisfied with the substance abuse treatment programs available to the general inmate population. They frequently refuse to participate in these programs.

Recommendation

38.1 CSC should proceed with the implementation of Aboriginal-specific substance abuse programs when the recently approved demonstration projects have been completed.

Strategy

An implementation strategy to increase coverage of Aboriginal-specific substance abuse programs should be developed in advance of the demonstration projects' completion to ensure their immediate implementation.

Issue

39. In some institutions or regions, the number of Aboriginal inmates is too small to support the implementation of a full treatment program.

Recommendation

39.1 CSC should develop an alternative strategy for dealing with the small number of inmates, such as utilizing existing treatment expertise available through NNADAP-sponsored treatment programs.

Issue

40. There may be a reluctance on the part of Aboriginal treatment centres to accept released federal offenders.

Recommendation

40.1 The Ministry of the Solicitor General should examine the possibility of increasing the extent to which Aboriginal treatment centres accept released offenders.

Strategy

The Solicitor General's Secretariat should determine the impediments to acceptance of released offenders by Aboriginal treatment centres.

D. CONTRACTING FOR SERVICES

Background

CSC has developed a number of programs and services in federal institutions, some of which are contracted to outside agencies as the preferred option. The contracted services and Spirituality programs provided to Aboriginal offenders in some institutions may include adult basic education, life skills, and substance abuse counselling. Often programs and services are managed by Aboriginal organizations or personnel, especially in the early phases of development.

All government departments are required to use the tender process when the amount of a contract exceeds $30,000, unless certain exceptional circumstances can be established. Local interpretation of these government contract regulations has resulted in Aboriginal-specific programming being tendered and awarded to non-Aboriginal organizations in some instances. Concern was raised during the consultation process that the awarding of these contracts to non-Aboriginal organizations is inappropriate.

Issue

41. Aboriginal inmates are not receptive to the delivery of Aboriginal-specific programming by non-Aboriginal organizations.

Recommendation

41.1 Where possible, designated Aboriginal-specific contracted programs should be primarily delivered by Aboriginal-controlled services.

Strategy

A policy should be developed by the Ministry of the Solicitor General specifying the delivery of Aboriginal-specific programs by Aboriginal-controlled sources. The policy should direct that, in contracting for these programs, strategies should be adopted that will ensure the awarding of the contract to an Aboriginal-controlled source. These strategies include specifying:

- the delivery by an Aboriginal source as an exceptional circumstance within the meaning of federal contracting policy;

- the requirement in a call for tender that delivery be given by an Aboriginal- controlled source; and

- the requirement in a call for tenders for a range of experience and personnel qualification that guarantee delivery by an Aboriginal-controlled source.

Chapter 7

THE ABORIGINAL COMMUNITY

BACKGROUND

There is a great diversity among Aboriginal communities in Canada. They range from those having a legally defined land base and membership with a degree of recognized control over community infrastructures to those existing within a larger social and political milieu.

During the consultations, it was noted that Aboriginal communities are often unwilling to accept the return of released offenders. Within any community, there is a wide range of social, economic and cultural factors that may either enhance or inhibit a community's capacity to accept released offenders. Most, if not all, of these factors are beyond the control of the Solicitor General.

• *Institutional Control*

The extent to which a community or Tribal Council has assumed responsibility for the delivery of health, social, and justice services on behalf of its membership may affect an offender's successful reintegration with the community. It is easier to accept an offender when the Tribal Council or agency has control of the community services available, especially if past dealings with offenders have been reasonably successful.

Previous reports, such as the 1985 Canada-Saskatchewan-Federation of Saskatchewan Indian Nations Study entitled "Reflecting Indian Values and Concerns in the Justice System," affirm that the justice system is seen as an alien process to many Aboriginal communities. There has been some success in developing appropriate policing programs in many communities through the RCMP Indian Special Constable Program, the Ontario Provincial Police's Native Policing Program, and a growing number of Indian-controlled police forces. However, by and large, policing is still seen as being controlled by outside institutions. The judicial and legal processes take place, for the most part, outside Aboriginal communities. Sentencing is not generally understood and imprisonment, or "banishment", is often seen as the first option of the system rather than its last.

Where some degree of control and participation does not exist at the Chief and council level, there may be the perception that the system does not allow for Indian concerns to be addressed. This issue was raised in the joint Canada-Saskatchewan-FSIN Study as well as during the Task Force's consultations. The result may be the imposition of formal and informal sanctions that inhibit the reintegration of Aboriginal offenders.

A growing number of Aboriginal communities and Tribal Councils have developed, or are now developing, institutions and processes relating to the administration of justice. As stated earlier, a number of communities and Tribal

Councils are developing community-controlled police forces and other ways to improve the relationships between non-Aboriginal police forces and Aboriginal communities. For the past three years, the Dakota Ojibway Tribal Council in Manitoba has operated its own probation service. There is a growing interest in the development of Tribal Courts and integrated tribal justice systems that would include corrections services and institutions. A number of Inuit communities are considering developing community committees to deal with corrections issues. In urban areas, Aboriginal-controlled institutions, such as Friendship Centres, are extending their help to Aboriginal offenders.

- *Urban Communities*

The need to address the complex and specific issues of Aboriginal people in urban areas is important, given that approximately 70 per cent of all Aboriginal inmates are in institutions for crimes committed off-reserve.

Both formal and informal means of dealing with released offenders work most effectively in those communities where there are defined community membership and boundaries, as well as established behaviour norms. These strategies lose their effectiveness in urban communities where an offender can "disappear" into the general population.

Urban Aboriginal communities are different from other communities in that they are generally not as well defined and are part of a larger socio-economic environment. Although the same degree of community isolation from the justice system is not as evident in urban communities as in reserves, alienation does exist, either due to past experiences in other communities or because of the isolation felt generally by poor people.

Over the last several years, there has been a significant migration from reserves to urban areas. It has been estimated that between 30 and 35 per cent of status Indians now reside off-reserve. This figure may rise to over 50 per cent of all status Indians as a result of amendments to the **Indian Act** allowing for reinstatement of certain individuals as status Indians.

This pattern of migration results in an Aboriginal urban population that varies according to the length of urbanization, the Aboriginal Nations represented, and the presence of status or non-status Indians. The effect has been to inhibit the formation of cohesive Aboriginal communities in urban settings.

- *Socio-Economic Circumstances*

Although there have been recent improvements, those consulted noted a lack of services available to released offenders in Aboriginal communities. Because the necessary services are not available in the offenders' communities of choice, the National Parole Board often has no option but to reject their release plan if it involves returning to those communities. The lack of services also affects the community's willingness to accept an offender. For example, Indian reserves with extreme levels of unemployment may be very reluctant to accept released offenders while there is such severe competition for employment.

ISSUES AND RECOMMENDATIONS

• *Information*

Background

Most communities and organizations consulted, with the exception of those organizations directly involved with Aboriginal corrections services and programs, felt that they lacked sufficient information and resources to become involved in offender management or services. The majority of those consulted neither understood the parole process nor how inmates spent their sentences preparing for reintegration upon release. For example, the Working Group was told that some Inuit communities would not accept offenders back until they had spent the full time of their sentences somewhere else. It was believed that if a judge sentenced a person to ten years in prison, the offender should not be allowed back for ten years.

Many members of the Native Brotherhoods and Sisterhood believed that Aboriginal communities were unaware of the renewal that takes place when inmates participate in Sisterhood/Brotherhoods and spiritual ceremonies.

The view was expressed that information provided to communities and organizations should be directed towards Aboriginal readers and be free of specialized vocabulary. Also, in Inuit and other northern and isolated communities, many community members and workers are not fluent in either of Canada's two official languages. It was generally believed that printed material was not an effective medium for most Aboriginal communities.

Issue

42. More information concerning Aboriginal offenders and the federal corrections system should be provided in a form appropriate to Aboriginal communities. Better understanding of offender issues in Aboriginal communities could enhance the availability of services and programs for released offenders.

Recommendation

42.1 The Ministry of the Solicitor General must develop and implement a strategy for dissemination of information on corrections, especially on release, to Aboriginal communities and organizations. The information should be concise and should be linguistically suitable.

Strategy

The Secretariat could, either through its headquarters or regional offices, undertake consultations with Aboriginal peoples to determine the nature and scope of information required concerning corrections and release.

The Secretariat, together with Indian and Northern Affairs Canada, could examine the need to have information translated into an appropriate language for use by local and regional Aboriginal communities and organizations.

The Secretariat could, with the Secretary of State's Native Citizens Directorate, develop a strategy for the dissemination of appropriate information through Aboriginal media supported by the Secretary of State's Native Communications and Native Broadcasting programs.

The Ministry could support the development of videos relating to Aboriginal corrections and encourage their release for viewing in Aboriginal communities. Such videos might include mock Parole Board hearings with commentary and docu-dramas relating to problems faced by Aboriginal offenders upon release.

• *Expansion of Services*

Background

Over the past two decades, a growing number of Aboriginal-controlled organizations have evolved in urban areas as well as community-controlled services on reserves and settlements that deal with social justice, welfare and treatment issues. In many instances, these services have never considered the specific needs of offenders and, as a result, have not been called upon to provide assistance. In some circumstances, these organizations have preferred not to deal with Aboriginal offenders because they lacked an understanding of their service and program needs.

Consequently, too few Aboriginal program and service organizations are involved in supporting Aboriginal offenders. It was also recognized that those agencies involved with inmate support were overtaxed and had ever-increasing demands placed upon their services.

There is a need for Aboriginal organizations and agencies to continue, after release, the treatment and support an inmate receives from Sisterhood/Brotherhoods and programs in institutions.

Issue

43. Several Aboriginal organizations and services have evolved over the past several years with mandates that would encompass offenders as potential clients. For a variety of reasons, a number of these organizations have not responded on a regular basis to the specific service or program needs of offenders.

Recommendation

43.1 The Ministry of the Solicitor General, together with other federal departments, must develop appropriate mechanisms to ensure that the needs of Aboriginal offenders are understood by Aboriginal organizations with mandates to serve those needs.

Strategy

Information developed in response to recommendation 42.1 should be circulated to all relevant Aboriginal organizations and agencies.

Ministry of the Solicitor General staff could initiate a campaign to communicate the needs of Aboriginal offenders to a wide range of Aboriginal organizations. Such a campaign should include speaking at annual regional and national meetings of Aboriginal organizations and publishing articles in Aboriginal publications.

The Ministry could host special consultations with Aboriginal organizations to determine their capacity to contribute to current programs and services to meet the needs of Aboriginal offenders.

The Ministry could develop a national or regional position or contract, similar to that of the National Association of Friendship Centre's National Facilitator, to develop community and agency support for the program and service needs of released Aboriginal offenders.

• *Enhanced Authority for Decision Making*

Background

A number of opportunities are available through existing Constitutional and legislative frameworks to enable Aboriginal communities to assume greater control over elements of the corrections system.

Several urban Aboriginal organizations have sought to provide services to offenders through their involvement in such activities as parole supervision and alternative sentence management. A growing number of reserves have developed parallel justice services for their members which are under the control of the communities' leaders.

These services are evolving. However, in the consultations, a desire was expressed for more substantial control over release decisions and the conditions under which offenders may be accepted back into their communities.

Issue

44. A number of community leaders thought that their advice and consent should be sought whenever a decision was made about releasing an inmate back into the community.

Recommendation

44.1 Whenever an inmate seeks release to an Aboriginal community with a regular and recognized leadership, such as a band council, the views of that leadership must be sought. In addition, the community's leadership must be able to propose any special conditions for accepting an inmate into the community, provided that the conditions are legal.

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Strategy

The Ministry of the Solicitor General could implement a policy requiring a determination of the views of a community's recognized leadership where such exists, and of any specific conditions they desire. Any special conditions set down by a community's leadership should be assessed by the Case Management Team and the National Parole Board to ensure that they are lawful and meet the test of fairness. Any problems with special conditions should be communicated to the community with an explanation and provision for further review.

Once determined to be both legal and fair by the National Parole Board, those conditions would be included with any other conditions set by the Board.

Conversely, any special condition imposed by the Board, for example the requirement to maintain employment, seek psychiatric counselling, etc., should be verified with the community to ensure that it can be applied in the context of the reality of the community (e.g., employment may be fishing/trapping; psychiatric counselling may be provided by a local Elder, etc.).

Issue

45. Information available to community leaders and organizations about an inmate seeking release to a community or community-based program is often insufficient to enable decision makers to assess whether the inmate is suitable for support or whether special conditions should be invoked.

Recommendation

45.1 Adequate information about inmates should be provided to appropriate members of the community or organization's staff in advance of the inmates' release to those communities and organizations.

Strategy

The recommendations flowing from the Ruygrok Inquest and subsequent Ministry proposals could be assessed as to their use in providing more information about offenders to the community or community-based service.

• *Legislation*

Background

The Correctional Law Review Working Paper on Native Peoples concluded that the situation of Aboriginal offenders could be improved by the creation of special legislative provisions that allow Aboriginal people to assume greater control over the provision of certain correctional services.

Most, if not all, of the services and programs recognized in the Working Paper's proposals could be implemented under the present legislation through contracts with Aboriginal organizations. The Correctional Law Review recognized, however, that while new enabling legislation may not be strictly necessary, it would clearly demonstrate the government's endorsement of the role of Aboriginal organizations in the delivery of correctional services. Aboriginal groups and communities would then be in a position to enter into negotiations with correctional authorities within an explicit legislative framework.

The proposed legislation would also designate certain organizations and authorities as providers of Aboriginal correctional services, giving them a clear legal basis from which to negotiate changes in the way services are delivered to Aboriginal offenders.

Issue

46. Current arrangements between the federal government and Aboriginal communities allow for programs and services to be delivered by Aboriginal organizations. However, the question of whether new enabling legislation would improve the situation of Aboriginal offenders and support their successful reintegration has been raised by the Correctional Law Review and others.

Recommendation

46.1 It is recommended that enabling legislation be developed to provide explicit authority for Aboriginal communities or organizations to assume control of certain correctional processes that affect them, if such legislation is deemed appropriate by the Correctional Law Review.

Strategy

The development of any legislation should be considered within the context of the Correctional Law Review.

• *Self-Government*

Background

For many Aboriginal leaders in Canada, the issue of Aboriginal self-government is the most pressing concern faced today and in the foreseeable future. Self-government is seen as the method of ensuring the survival of Aboriginal peoples and communities as distinct Peoples in Canada.

The federal government has affirmed that Aboriginal self-government is a federal government objective. At the 1985 First Ministers' conference on Aboriginal Constitutional Affairs, the Prime Minister stated: "The key to change is self-government within the Canadian federation....Constitutional protection for the principle of self-government is an overriding objective because it is the constitutional manifestation of a relationship, an unbreakable social contract between Aboriginal peoples and their governments."

There currently exist at least three potential processes for implementing self-governing capacity. They are: (a) a Constitutional amendment process; (b) specific enabling legislation; and (c) comprehensive claims processes. With the

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failure of the 1987 First Ministers' Conference to achieve a Constitutional accord, the latter two processes are considered the most expedient at this time.

To date, much has been done in the area of self-government. These include: a major land claims settlement, the **James Bay and Northern Quebec Agreement** and the **North Eastern Quebec Agreement** which contain self-government provisions; amendments to the **Indian Act** to grant increased powers to local communities; and federal self-government legislation such as the **Cree Naskapi Act** and the **Sechelt Indian Band Self-Government Act**.

Due to the diversity of Aboriginal communities across Canada, the priority attached to criminal justice matters in self-government negotiations varies among these negotiating bodies. Criminal justice has been, to date, a much lower priority with the majority of Aboriginal organizations than issues such as education, child welfare, economic development and health.

Generally speaking, corrections is receiving more and more attention from communities, Tribal Councils and others who are involved in discussions relating to the administration of justice. In the past, police and courts got most of their attention.

Issue

47. The move towards Aboriginal self-government will have significant implications for the corrections system because criminal justice issues, including corrections, will undoubtedly be a component of many self-government negotiations.

Recommendation

47.1 The Ministry of the Solicitor General should continue to monitor the federal government's agenda for Aboriginal self-government negotiations to ensure that it is aware of, and responsive to, any corrections implications in the negotiations.

Strategy

The Ministry should continue its involvement in the inter-departmental Committee on the **James Bay and Northern Quebec Agreement** Implementation.

The Ministry could bring together key people involved in self-government activities to explore the range of possible corrections elements that may devolve to Aboriginal communities.

Chapter 8

SUMMARY AND IMPLICATION OF RECOMMENDATIONS

CHAPTER IV

		SCOPE			
PAGE	RECOMMENDATION	POLICY	STRUCTURE	PROGRAM	OTHER
32	1.1 The Correctional Service of Canada should examine the possibility of updating information on the ethnicity of inmates at points after admission.		X		
32	1.2 Efforts should be made to improve the reporting of the status and non-status Aboriginal distinction.		X		
33	2.1 A study should be conducted of Prison for Women files from several years in order to provide a detailed profile of the characteristics and processing of Aboriginal female offenders and a comparison with non-Aboriginalconterparts.				X
33	3.1 Statistics on inmate participation in programs should provide a breakdown of the numbers and ratio of participating Aboriginal and non-Aboriginal offenders.				X
33	3.2 Procedures should be developed by the Correctional Service of Canada to collect and regularly report on the numbers of Aboriginal offenders residing in CRC's and CCC's on a given day.		X		
33	3.3 Procedures should be developed by the Correctional Service of Canada to collect and regularly report on the use of exchange of services agreements for Aboriginal offenders.		X		
33	4.1 The Correctional Service of Canada should examine the feasibility and means of recording the community of origin of Aboriginal inmates as part of its ongoing information reporting.		X		
33	4.2 The development of the Offender Management System should be monitored to ensure that information on Aboriginal offenders can be readily accessed.		X		
33	4.3 Ongoing studies being undertaken by the Ministry of the Solicitor General should be assessed by the Ministry Secretariat in terms of the completeness of their coverage of Aboriginal offender issues. Studies should be developed in coordination with The Correctional Service ofCanada and National Parole Board to address any gaps that may exist.				X

CHAPTER V

PAGE	RECOMMENDATION	SCOPE			
		POLICY	STRUCTURE	PROGRAM	OTHER
36	5.1 The current assessment tools criteria and procedures being used should be evaluated as to their validity for Aboriginal offenders. Where specialized techniques, such as psychological testing are involved, the appropriate professionals or professional organizations should be consulted.		X		
37	6.1 It is recommended that the detention provisions contained in the Parole Act be specifically assessed as to their applicability to Aboriginal offenders, with a view to determining how they are being applied to Aboriginal offenders so that the legislators can be fully apprised of how the Act affects Aboriginal offenders.	X			
38	7.1 It is recommended that Elders, upon request of an inmate and the Elder's acceptance, be permitted to submit an assessment to the Parole Board on behalf of the inmate. Such assessments would be given the same weight as other professional assessments.		X		
40	8.1 Increased Aboriginal employment within the Ministry of the Solicitor General would be a first step towards addressing perceived difficiencies in trust and communication between Aboriginal offenders and correctional administrators.	X	X		
40	9.1 It is recommended that Aboriginal staffing be approached in a manner which recognizes the many difficulties encountered by Aboriginal people who work in the correctional system, and the need to hire staff who can function in both Aboriginal and non-Aboriginal societies. It is also recommended that strategies be developed to ensure the provision of adequate support for Aboriginal staff.		X	X	
41	10.1 Effort should be made to increase the number of Aboriginal people on the National Parole Board by appointing more Aboriginal community members.	X	X		

CHAPTER V

			SCOPE			
PAGE		RECOMMENDATION	POLICY	STRUCTURE	PROGRAM	OTHER
42	11.1	It is recommended that an Aboriginal person be hired in each of the regional and national offices of the CSC and NPB.		X		
43	12.1	Police responsible for contributing to communauty assessments in Aboriginal communities should be given appropriate training.		X		
43	12.2	Other sources of information regarding community acceptance of Aboriginal offenders should be used in addition to, or as an alternative to, police reports whenever possible.		X		
43	13.1	It is recommended that alternative methods of offender reporting be established in those communities prepared to assume that function.		X		
44	14.1	It is recommended that a Ministry policy be developed to address the need for awareness and sensitivity among Ministry staff and officials of the ways and culture of the Canadian Aboriginal Nations.	X			
45	15.1	To implement the above policy, it is recommended that the Secretariat in consultation with the Agencies develop training proposals for training on Aboriginal cultures for presentation to the Solicitor General. The consolidated proposals would form a training plan for the correctional components of the Ministry that would be assessed annually.	X	X		
46	16.1	It is recommended that the heads of agencies within the Ministry of the Solicitor General develop appropriate tools to assist in hiring staff who have the capability of working with Aboriginal offenders, for those position which require significant interaction with Aboriginal offenders.		X		

		SCOPE			
PAGE	RECOMMENDATION	POLICY	STRUCTURE	PROGRAM	OTHER
47	17.1 It is recommended that clear and concise information be made available to both correctional staff and inmates as to the available options regarding waivers.			X	
47	17.2 It is recommended that waivers be closely monitored and in a detailed fashion.	X			
47	17.3 It is recommended that the National Parole Board and CSC develop a clear national policy concerning waivers and ensure that the policy is understood by all decision-makers.	X			

PAGE	RECOMMENDATION		SCOPE			
			POLICY	STRUCTURE	PROGRAM	OTHER
49	18.1	The Commissioner's Directive should specify that programs specific to the needs of Aboriginal inmates are required whenever: a) sensitivity to the needs of Aboriginal offenders by other inmates is a factor (e.g. group counselling); b) language is a factor; c) differences in cultural approaches to learning require different techniques; and d) The problems addressed by the programs have a different basis for Aboriginal inmates than for non-Aboriginal inmates.		X		
50	18.2	The correctional system should make available programs which are particularly suited to serving the spiritual and cultural needs of Aboriginal offenders. Where numbers warrant, programs should be offered for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.		X		
50	19.1	The Correctional Service of Canada should ensure that Aboriginal service organizations recognize that the provision of services to Aboriginal offenders in protective custody is included in contractual agreements.			X	
52	20.1	To complement the national directive, regional instructions and standing orders should be developed addressing the issue of security clearance of Elders' sacred bundles and ensuring sensitive handling of those bundles.	X	X		
52	21.1	The issue of access to segregation and dissociation should be addressed by giving contracted Elders the same status as Chaplains.	X	X		

CHAPTER VI

		SCOPE			
PAGE	RECOMMENDATION	POLICY	STRUCTURE	PROGRAM	OTHER
53	22.1 Guidelines should be developed regarding the minimum number of sweats and other ceremonies in any federal institution. The guidelines must reflect a balance between inmate needs and institutional requirements.	X	X		
54	23.1 Any new exchange of service agreement with provinces or territories should contain minimum standards for the provision of programs and services to federal Aboriginal offenders. At the earliest opportunity, existing agreements should be amended to include such standards.	X	X		
56	24.1 Because of the geographical distribution of women incarcerated in the Prison for Women, ways must be found to increase the opportunities for incarcerated women to meet regularly with their families.		X		
56	25.1 Where appropriate, Aboriginal-specific programs must be developed for Aboriginal female offenders even though such programs may be less efficient than programs for males given the low number of participants that may result.		X		
56	26.1 The Ministry should explore the potential to develop a holistic approach that treats a variety of problems within the context of a single program for Aboriginal female offenders at the Prison for Women.		X		
57	27.1 Adequate bed space must be found for released Aboriginal female offenders in key locations across Canada.		X		
58	28.1 It is recommended that CSC provide programming specifically designed for Inuit offenders.		X		
61	29.1 Aboriginal liaison services should be restored to the Atlantic region as soon as possible.		X		
61	29.2 A formula should be developed for use in determining the number of Native liaison workers required in each region.	X			

CHAPTER VI

		SCOPE			
PAGE	RECOMMANDATION	POLICY	STRUCTURE	PROGRAM	OTHER
61	29.3 A female Native liaison worker should be assigned to the Ontario Region for the Prison for Women.		X		
61	29.4 National minimum standards for Native liaison services should be developed.	X			
62	30.1 Information should be compiled in reference format regarding the benefits and services various jurisdictions provide to conditionally released Aboriginal offenders. Such reference material should be provided to institutions and post-release facilities for use in assisting inmates with release planning.		X		
63	30.2 Case management officers and parole staffshould be provided with feedback and suggested action regarding problems experienced by released Aboriginal offenders in obtaining programs and services, required documentation , education and health services.		X		
63	31.1 Mechanisms should be developed to improve communication and ensure that halfway house staff and the inmate understand what can be realistically achieved during the inmate's residence there. The exchange of information should clearly establish what release preparation tasks should be undertaken by each party.		X		
63	32.1 The exchange of information should clearly establish what release preparation tasks should be undertaken by each party.		X		
65	33.1 Wardens should ensure that the number of Aboriginal people represented on Citizens Advisory Committees increases to ultimately reflect the proportion of Aboriginal inmates in institutions. The addition of Aboriginal people to the Committees would assist in assessing unmet cultural needs and in identifying and recruiting volunteers and other resources to improve programs and services.		X		
66	34.1 Proposals to convert existing federal institutions to all-Aboriginal facilities should be rejected.	X			

CHAPTER VI

PAGE		RECOMMENDATION	SCOPE			
			POLICY	STRUCTURE	PROGRAM	OTHER
66	34.2	Consideration should be given to establishing alternatives to all-Aboriginal institutions where programs and services could be provided within an Aboriginal culture context.			X	
66	35.1	Information about the correctional and parole processes should be presented to Aboriginal offenders in a manner which is better adapted to their approach to learning.		X	X	
68	36.1	It is recommended that the CSC develop a long-term plan to improve post-release services for parolees from northern areas. Such a plan should include the introduction of halfway houses and requirements for supplementary information, counselling and community reintegration services.			X	
68	37.1	Consideration should be given to the use of alternatives to halfway house facilities, such as the indirect supervision of parolees placed in private homes.			X	
70	38.1	CSC should proceed with the implementation of Aboriginal-specific substance abuse programs when the recently approved demonstration projects have been completed.			X	
70	39.1	CSC should develop an alternative strategy for dealing with the small number of inmates, such as utilizing existing treatment expertise available through NNADAP-sponsored treatment programs.		X	X	
70	40.1	The Ministry of the Solicitor General should examine the possibility of increasing the extent to which Aboriginal treatment centres accept released offenders.		X		
71	41.1	Where possible, designated Aboriginal-specific contracted programs should be primarily delivered by Aboriginal-controlled services.	X	X	X	

CHAPTER VII

PAGE	RECOMMENDATION		SCOPE			
			POLICY	STRUCTURE	PROGRAM	OTHER
74	42.1	The Ministry of the Solicitor General must develop and implement a strategy for dissemination of information on corrections, especially on release, to Aboriginal communities and organizations. The information should be concise and should be linguistically suitable.		X		
75	43.1	The Ministry of the Solicitor General, together with other federal departments, must develop appropriate mechanisms to ensure that the needs of Aboriginal offenders are understood by Aboriginal organizations with mandates to serve those needs.				X
76	44.1	Whenever an inmate seeks release to an Aboriginal community with a regular and recognized leadership, such as a band council, the views of that leadership must be sought. In addition, the community's leadership must be able to propose any special conditions for accepting an inmate into the community, provided that the conditions are legal.	X			
77	45.1	Adequate information about inmates should be provided to appropriate members of the community or organization's staff in advance of the inmates' release to those communities and organizations.		X	X	
78	46.1	It is recommended that enabling legislation be developed to provide explicit authority for Aboriginal communities or organizations to assume control of certain correctional processes that affect them if such legislation is deemed appropriate by the Correctional Law Review.	X	X		
79	47.1	The Ministry of the Solicitor General should continue to monitor the federal government's agenda for Aboriginal self-government negotiations to ensure that it is aware of, and responsive to, any corrections implications in the negotiations.		X		

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APPENDIX I

CONSULTATION

First round

Quebec:

- Native Courtworker, Montreal
- Native Liaison Officer, Montreal
- Kahnawake Reserve representative, Kahnawake
- Federal Training Centre, CSC, Laval
    - Aboriginal inmates
- National Parole Board, Regional Office
    - Members and staff

Ontario:

- Joyceville Institution, Kingston
    - staff members
    - Native brotherhood
- Prison for Women, Kingston
    - warden and staff members
    - Native sisterhood
- Millhaven Institution, Kingston
    - board and staff members
- Collins Bay Institution, Kingston
    - Native Brotherhood
- Newberry House, Sudbury
    - board and staff members
- District Office, CSC Parole, Sudbury
    - director and parole officers
- Art Solomon, Elder, Sudbury

Thunder Bay Friendship Centre
Ke-Shi-Ia-Ing Native Women Centre

Saskatchewan

- Federal Training Centre, Saskatchewan
    - Native inmates
- CSC Regional Office, Saskatoon
    - senior official
- National Parole Board Regional Office, Saskatoon
    - Board members and senior staff
- Consultation Centre, Saskatoon
- Elizabeth Fry Society, Saskatoon
- John Howard Society, Saskatoon
- Saskatchewan Penitentiary, Prince Albert
    - Elder
    - staff members
    - Native brotherhood

- Native Friendship Centre, Prince Albert
- John Howard Society, Prince Albert
- Justice Department, Saskatchewan, Régina
  - -assistant deputy minister
  - -staff Department of Corrections
- RCMP Regional Headquarters, Regina
- Regina Police Force
- John Howard Society, Regina
- John Howard Society, Saskatchewan
- Gabriel Dumont Institution

Manitoba:

- Stoney Mountain Institution, Winnipeg
  - -warden and staff members
  - -Native Brotherhood
- Native Alcoholism Council of Manitoba
- Native Clan
- Native Courtworkers
- Regina House
- Native Liaison Workers
- Alcohol Foundation of Manitoba
- John Howard Society
- Elizabeth Fry Society
- Children's Home of Winnipeg
- RCMP, Manitoba Regional Division

Alberta:

- John Howard Society of Alberta, Edmonton
- Native Counselling Services of Alberta
- John Howard Society of Edmonton
- Elizabeth Fry Society of Alberta, Edmonton
- Elizabeth Fry Society of Edmonton
- Solicitor General Department, Alberta
  - -assistants to the Minister
- CSC Regional Office
- Kochee Mena Apartments Halfway House, Edmonton
- Nechi Institution and Poundmaker Centre
- Four Worlds, Lethbridge, Alberta
- Drumheller Institution, Drumheller, Alberta
  - -staff members
  - -Native Liaison Workers
  - -Native Brotherhood

British Columbia:

- National Parole Board Regional Office, Burnaby
    - Board members
    - staff members
- Allied Indian and Metis Society
- Native Justice Coalition
- Matsqui Institution
    - Native Liaison Workers
    - Native Brotherhood

- Mission Institution
    - Native Liaison Workers
    - Native Brotherhood
- Kent Institution
- Mountain Institution
    - inmates
- General population inmates
- Protective custody inmates

Northwest Territories:

- Yellowknife Correctional Centre
    - inmates from the inmate committee
- Salvation Army Halfway House, Yellowknife
- Representatives from the Northwest Territories Government

Yukon:

- Whitehorse Correctionnal Centre
- Crossroads Treatment Centre
- Territorial Government Representatives
- Salvation Army Halfway House

Second Round:

Atlantic:

- National Parole Board Regional Office, Moncton
    - Board members
    - senior staff
- CSC Regional Office, Moncton
- Renous Institution
    - staff members
    - Native inmate
- Union of New Brunswick Indians, Fredericton
- New Brunswick Aboriginal Peoples Council
- New Brunswick Department of Justice
- Friendship Centre, Fredericton
- Springhill Institution
    - staff members
    - Native inmates

- CSC District Office, Halifax
  - -director
  - -parole officers
- Eskasoni Reserve
  - -representative for the Alcohol Treatment Centre
  - -chief of police from the Reserve
- CSC District Office, Sydney
  - -director
  - -parole officer

Quebec:

- National Parole Board Regional Office, Montreal
  - -senior Board member
- CSC Regional Office, Laval
- Native Liaison Officer, Montréal
- Tanguay Institution, Montréal
  - -staff member
- Archambault Institution
  - -staff members
  - -Native inmates
- Community Residential Centre, Amos
- Cree Regional Authority
- Algonquin Native Friendship Centre

Ontario:

- National Parole Board Regional Office, Kingston
  - -Board members
  - -senior staff
- CSC Regional Office, Kingston
- Millhaven Institution
  - -staff members
  - -Native Brotherhood
  - -citizen from the Citizen Advisory Committee
- Prison for Women, Kingston
  - -staff members
  - -Native sisterhood
- Collins Bay Institution, Kingston
  - -staff members
  - -Native brotherhood
- Ontario Native Council on Justice, Toronto
- Native Community Crisis Centre
- Pedahbun Lodge
- Representatives from Ontario Social Services

Manitoba:

- Native Clan and Court Communicator Program
- Mamawi Centre
- Friendship Centre, Winnipeg
- Regina House

- Native Alcoholism Council of Manitoba

Saskatchewan:

- Saskatchewan Penitentiary, Prince Albert
  - staff members
  - Native brotherhood
  - Native Liaison Officer
  - Elder
- RCMP Regional Office
- Regina Municipal Police
- Pine Grove Institution
  - warden and senior staff
  - Native inmates
- John Howard Society of Regina
- John Howard Society of Saskatchewan
- Gabriel Dumont Institute, Regina
- Native Friendship Centre, Regina
- Native Friendship Centre, Prince Albert
- National Parole Board Regional Office, Saskatoon
  - Board members and senior staff
- CSC Regional Headquarters, Saskatoon
- Aboriginal Women's Council of Saskatchewan

Alberta:

- John Howard Society of Edmonton
- Native Counselling Services of Alberta
- John Howard Society of Alberta
- Elizabeth Fry Society of Edmonton
- Elizabeth Fry Society of Alberta
- Kochee Mena Apartments Halfway House
- Edmonton Institution
  - Native Liaison Officers
  - Native Brotherhood
  - staff members
- Drumheller Institution
  - staff members
  - Native Liaison Officers
  - Native Brotherhood

British Columbia:

- National Parole Board Regional Office, Burnaby
    - Board members
    - staff members
- CSC Regional Office, Abbotsford
- Mountain Institution
    - warden and senior staff
    - Brotherhood
- Kent Institution
    - warden and senior staff
    - protective custody Brotherhood
- Matsqui Institution
    - Native Liaison Workers
    - staff members
    - Native Brotherhood
- Mission Institution
    - staff members
    - Native Brotherhood

Yukon:

- Yukon Probation Services
- Adult Residential Services
- Salvation Army
- Courtworkers Association
- Crossroads Treatment Centre

Ottawa:

- Members of the Appeal Division, National Parole Board
- National Parole Board Senior Staff
- Senior Staff, CSC Headquarters
- Officials from the Justice Department

APPENDIX IIa

MISSION STATEMENT OF THE CORRECTIONAL SERVICE OF CANADA

The Correctional Service of Canada, as part of the criminal justice system, contributes to the protection of society by exercising safe, secure and humane control of offenders while helping them become law-abiding citizens.

ÉNONCÉ DE MISSION DU SERVICE CORRECTIONNEL DU CANADA

Le Service correctionnel du Canada, en tant que composante du système de justice criminelle, contribue à la protection de la société en effectuant un contrôle sûr, sans risque et humain des délinquants tout en les aidant à devenir des citoyens respectueux des lois.

APPENDIX IIb

MISSION STATEMENT OF THE NATIONAL PAROLE BOARD

The National Parole Board, as part of the Criminal Justice System, makes independent, quality conditional release decisions and clemency recommendations. The Board, by facilitating the timely reintegration of offenders as law-abiding citizens, contributes to the protection of society.

ÉNONCÉ DE MISSION DE LA COMMISSION NATIONALE DES LIBÉRATIONS CONDITIONNELLES

La Commission nationale des libérations conditionnelles, en tant que partie intégrante du système de justice pénale, rend de façon autonome, des décisions judicieuses sur la mise en liberté sous condition et formule des recommandations en matière de clémence. Elle contribue à la protection de la société en facilitant la réintégration opportune des délinquants comme citoyens respectueux de la loi.

APPENDIX III

Correctional Service Canada | Service correctionnel Canada

COMMISSIONER'S DIRECTIVE

DIRECTIVE DU COMMISSAIRE

Number – Numéro: 750

Date 1987-01-01

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RELIGIOUS SERVICES AND PROGRAMS

POLICY OBJECTIVE

1. To ensure recognition of the spiritual dimension of life by actively encouraging inmates to express their spirituality and exercise their religion when this does not affect the good order of the institution; to provide ministry to inmates, staff and families.

INSTITUTIONAL RESPONSIBILITY

2. Personnel, programs and facilities (including a sanctuary) shall be provided for religious worship and spiritual growth and development of inmates.

INSTITUTIONAL CHAPLAINS

3. Chaplains on contract shall be accorded the same recognition in the institution as chaplains in indeterminate positions.

4. Chaplains shall provide institutions with worship services, sacraments, pastoral counselling, religious education, and religious resource material.

5. Chaplains shall ensure that the religious services and programs meet the needs of the inmate population.

SERVICES ET PROGRAMMES RELIGIEUX

OBJECTIF DE LA POLITIQUE

1. Assurer la reconnaissance de la dimension spirituelle de la vie, en encourageant les détenus à exprimer leur spiritualité et à pratiquer leur religion lorsque cela ne nuit pas au bon ordre de l'établissement. Offrir des services de pastorale aux détenus, aux employés et aux familles.

RESPONSABILITÉ DE L'ÉTABLISSEMENT

2. Il faut affecter du personnel, des programmes et des locaux (y compris un sanctuaire) aux services religieux afin de favoriser la croissance et le développement spirituels des détenus.

AUMÔNIERS DES ÉTABLISSEMENTS

3. Dans les établissements, il faut donner aux aumôniers contractuels la même considération que l'on accorde à ceux qui occupent des postes de durée indéterminée.

4. Dans les établissements, les aumôniers doivent tenir des service religieux, conférer les sacrements donner des conseils d'ordre pastoral, offrir une formation religieus et fournir du matériel religieux.

5. Les aumôniers doivent s'assurer qu les services et programmes religieu répondent aux besoins de la population carcérale.

6. Chaplains shall have access, at all times, to all areas of the institution to minister to inmates and staff; normal consideration shall be given to security requirements, personal safety and established working hours of inmates.

7. Chaplains shall facilitate family and community contact for inmates through chaplaincy volunteers, religious visitors and ministers of religion and, where possible, attendance by inmates at community religious events.

INTERFAITH COMMITTEE

8. The Interfaith Committee on Chaplaincy in the Correctional Service of Canada, representing the Churches of Canada and related bodies, is recognized as the advisory body to the Service, through the Director of Chaplaincy, on matters pertaining to religious services.

9. The Interfaith Committee may be asked to advise on any policy relating to pastoral services and may participate in the recruitment and selection of Chaplains.

Commissioner,

6. Les aumôniers doivent avoir accès, en tout temps, à tous les secteurs de l'établissement afin d'offrir des services aux détenus et aux membres du personnel. Il faut tenir compte des exigences habituelles sur le plan de la sécurité, ainsi que de la protection des aumôniers et des heures de travail des détenus.

7. Il incombe aux aumôniers de faciliter les contacts des détenus avec leur famille et leur collectivité, grâce à la présence de bénévoles de l'aumônerie, à des visites de religieux et de ministres de diverses confessions et, si possible, à la participation des détenus aux événements religieux communautaires.

COMITÉ INTERCONFESSIONNEL

8. Le Comité interconfessionnel de l'aumônerie au sein du Service correctionnel du Canada, lequel représente les Églises du Canada et et les groupes qui s'y rattachent, est reconnu comme l'organisme consultatif qui conseille le Service en matière de services religieux, par l'entremise du directeur de l'Aumônerie.

9. Le Comité interconfessionnel peut être appelé à donner des conseils sur toute politique relative aux services de pastorale et à participer au recrutement et à la sélection des aumôniers.

Le Commissaire,

Rhéal J. LeBlanc

Correctional Service Canada
Service correctionnel Canada

COMMISSIONER'S DIRECTIVE

DIRECTIVE DU COMMISSAIRE

Number – Numéro: 702

Date 1987-01-01

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NATIVE OFFENDER PROGRAMS

POLICY OBJECTIVE

1. To ensure that the needs and constructive interests of native offenders are identified and that programs (including native spiritual practices) and services are developed and maintained to satisfy them.

PROGRAM IMPLEMENTATION

2. Operational units responsible for a significant number of native offenders who have expressed the need for traditional social, cultural and spiritual programs shall satisfy them by offering specialized native programs and services, where appropriate and feasible.

DETERMINATION OF NEEDS FOR NATIVE PROGRAMS

3. Every operational unit responsible for a significant number of self-declared native offerders shall summarize, periodically, the assessed needs of self-declared native offenders to determine whether those needs are being addressed effectively by existing programs and services.

4. In cases where the assessed needs of a significant number of native offenders are not being met by existing programs and services, a determination shall be made as to whether:

   a.- parallel programs or services with native content or with

PROGRAMMES POUR LES DÉLINQUANTS AUTOCHTONES

OBJECTIF DE LA POLITIQUE

1. Déterminer les besoins et les intérêts des délinquants autochtones et offrir à ceux-ci des programmes et services appropriés (y compris ceux qui concernent leurs coutumes religieuses).

MISE EN OEUVRE DU PROGRAMME

2. Lorsque cela est opportun et possible, les unités opérationnelles qui comptent de nombreux délinquants autochtones ayant manifesté des besoins en matière de programmes traditionnels sociaux, culturels et spirituels doivent satisfaire ces besoins en offrant des programmes et services autochtones spécialisés.

DÉTERMINATION DES BESOINS EN MATIÈRE DE PROGRAMMES AUTOCHTONES

3. Les unités opérationnelles qui comptent de nombreux délinquants autochtones auto-déclarés doivent examiner périodiquement les besoins reconnus de ces autochtones, afin de déterminer si les programmes et services existants y répondent effectivement.

4. Lorsque les programmes et service existants ne répondent pas au besoins reconnus de nombreux délinquants autochtones, il convient d déterminer:

   a. s'il y a lieu de mettre su pied des programmes ou service native resource personnel should be offered;

b. non-traditional programs or services should be developed and delivered to address unique native needs; or

c. the identified native targeted programs or services should be developed and delivered by members of the Service or by volunteers, through contracts with native community agencies or with academic institutions.

NATIVE PARTICIPATION IN CITIZEN ADVISORY COMMITTEES

5. Every effort shall be made to include natives in Citizen Advisory Committees serving a significant number of native offenders.

CONSULTATION WITH OUTSIDE AGENCIES

6. Where it is possible, every effort shall be made to engage, in an advisory capacity for specific projects, the services of appropriate native community agencies or academic institutions with expertise not found within the Service.

SPIRITUAL PRACTICES

7. Directors of institutions with native inmates shall ensure that, within the boundaries of institutional safety, security and good order, native spiritual programs are

parallèles ayant un contenu autochtone ou encore offerts par des personnes ressources autochtones;

b. s'il faudrait offrir des programmes ou services non traditionnels pour répondre aux besoins propres aux autochtones; ou

c. si les programmes ou services visant à répondre aux besoins reconnus des autochtones devraient être mis sur pied et offerts par des employés du Service ou des bénévoles, en vertu de contrats passés avec des organismes communautaires autochtones ou des établissements scolaires.

PARTICIPATION AUTOCHTONE AUX COMITÉS CONSULTATIFS DE L'EXTÉRIEUR

5. Il convient d'encourager le plus possible la participation des autochtones aux comités consultatifs de l'extérieur là où il y a un nombre important de délinquants autochtones.

CONSULTATION D'ORGANISMES DE L'EXTÉRIEUR

6. Lorsque c'est possible, il convient de faire appel, pour donner des conseils sur des projets précis, aux organismes communautaires autochtones ou aux établissements scolaires ayant des compétences qui ne se retrouvent pas dans le Service.

COUTUMES RELIGIEUSES

7. Les directeurs des établissements où résident des détenus autochtones doivent veiller, dans les limites de la sécurité et du bon ordre de l'établissement, à ce que des programmes religieux soient organisés

offered and that these programs, including those using traditional articles, respect native traditions.

REGIONAL COUNCIL OF ELDERS

8. The Deputy Commissioner of each region shall, following consultation with the agencies delivering native spiritual programs to the Service within the region, establish a Regional Council of Elders.

9. The Regional Council of Elders shall report directly to the Deputy Commissioner of the region and shall consist of elders serving the institutions.

10. The Regional Council of Elders shall assist the region in establishing and coordinating programs for native offenders and shall promote understanding of native spirituality among staff members.

ELDERS IN INSTITUTIONS

11. The Director, following consultation with the Regional Council of Elders, shall appoint one or more elders who shall be responsible for conducting native spiritual practices in the institution.

12. Elders shall be remunerated by personal service contract or through a master agreement with a carrier agency.

à l'intention des autochtones. Ils doivent s'assurer que ces programmes, y compris ceux qui comportent l'utilisation d'objets traditionnels, respectent les coutumes autochtones.

CONSEIL RÉGIONAL DES AÎNÉS

8. Après consultation des organismes offrant au Service, dans la région, des programmes religieux autochtones, le sous-commissaire de la région doit établir un Conseil régional des aînés.

9. Le Conseil régional des aînés relève directement du sous-commissaire de la région et se compose d'aînés offrant leurs services dans les établissements.

10. Il incombe au Conseil régional des aînés d'aider la région à établir et à coordonner des programmes pour les délinquants autochtones et de favoriser, chez les membres du personnel, la compréhension de la spiritualité autochtone.

AÎNÉS À L'ÉTABLISSEMENT

11. Le directeur, après consultation du Conseil régional des aînés, doit nommer un ou plusieurs aînés pour diriger, dans l'établissement, les pratiques religieuses des autochtones.

12. Les aînés doivent être rémunérés aux termes d'un contrat de services personnels ou d'une entente de base conclue avec un organisme compétent.

13. Elders shall normally be permitted unescorted movement within the institution.

13. Les aînés sont normalement autorisés à se déplacer sans escorte à l'intérieur de l'établissement.

Commissioner,

Le Commissaire,

Rhéal J. LeBlanc

APPENDIX V

Correctional Service Canada
Service correctionnel Canada

COMMISSIONER'S DIRECTIVE

DIRECTIVE DU COMMISSAIRE

Number – Numéro: 023

Date 1987-01-01

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CITIZEN ADVISORY COMMITTEES

POLICY OBJECTIVE

1. To contribute to the functioning of the Service and humane treatment of offenders by involving citizens in the overall development of Service installations and by strengthening the ties between the field units and the local communities through the establishment of Citizen Advisory Committees (CAC).

THE ESTABLISHMENT OF CITIZEN ADVISORY COMMITTEES

2. Citizen Advisory Committees must be established at each institution.

3. Directors of all parole offices are encouraged to establish Citizen Advisory Committees unless other community ties are deemed more appropriate.

MEMBERSHIP

4. Members of Citizen Advisory Committees are to be appointed by the Director with the consent of the Deputy Commissioner of the region.

5. The Committee's membership should be a representative cross-section of the community, and should also correspond to the needs and characteristics (e.g. ethnic composition) of the installation.

6. A Citizen Advisory Committee should normally not consist of less than five members.

COMITÉS CONSULTATIFS DE L'EXTÉRIEUR

OBJECTIF DE LA POLITIQUE

1. Contribuer au fonctionnement du Service et au traitement humain des délinquants, en faisant participer les citoyens au développement général des installations du Service et en renforçant les liens entre les unités régionales et les collectivités locales, par la mise sur pied de comités consultatifs de l'extérieur (CCE).

CRÉATION DE COMITÉS CONSULTATIFS DE L'EXTÉRIEUR

2. Il doit y avoir dans chaque établissement un comité consultatif de l'extérieur.

3. Les directeurs des bureaux de libération conditionnelle sont encouragés à établir des comités consultatifs de l'extérieur, à moins que d'autres liens avec la collectivité soient jugés plus appropriés.

MEMBRES

4. Les membres des comités consultatifs de l'extérieur sont nommés par le directeur avec le consentement du sous-commissaire de la région.

5. Les membres du comité devraient constituer une fraction représentative de la collectivité et aussi correspondre aux besoins et aux caractéristiques de l'installation (par exemple, sa composition ethnique).

6. Un comité consultatif de l'extérieur devrait habituellement compter au moins cinq membres.

7. Appointments should not normally be for less than two years.

8. A member of a CAC may only be replaced prior to the expiry of membership term if he/she does not want to continue or acts contrary to the Committee mandate. The recommendation to replace must be made by the Director and approved by the Deputy Commissioner of the region.

ROLES AND RESPONSIBILITIES

9. Terms of reference for the particular citizen advisory committees shall be developed in consultation with those concerned and approved by the Director.

10. The role of Citizen Advisory Committees is:

   a. to facilitate mutually gainful relationships between the installation and the local community;

   b. to assist and advise the Director in implementing national, regional and local policies and plans, with particular reference to community-related policies and plans;

   c. to assist and advise the Director, as required, in commenting on the development of national and regional policies and plans;

   d. to promote positive interaction between the installation and the local community; and

   e. to participate in the development and maintenance of community resources for the Service.

7. La durée des nominations est habituellement d'au moins deux ans.

8. Un membre d'un CCE ne peut être remplacé avant l'expiration de la durée de son adhésion que s'il ne veut plus faire partie du CCE ou si sa conduite va à l'encontre du mandat du CCE. La recommandation de remplacement est faite par le directeur et approuvée par le sous-commissaire de la région.

RÔLES ET RESPONSABILITÉS

9. Le mandat de chaque comité consultatif de l'extérieur est établi de concert avec les intéressés, puis approuvé par le directeur.

10. Le comité consultatif de l'extérieur a pour rôle:

   a. de favoriser des relations mutuellement profitables entre l'installation et la collectivité locale;

   b. d'aider et de conseiller le directeur quant à la mise en oeuvre des politiques et des plans nationaux, régionaux et locaux, en particulier ceux qui concernent la collectivité;

   c. d'aider et de conseiller le directeur, au besoin, en faisant des observations sur l'élaboration des politiques et des plans nationaux et régionaux;

   d. de promouvoir une interaction positive entre l'installation et la collectivité locale; et

   e. de participer au développement et au maintien des ressources communautaires que peut utiliser le Service.

11. Disagreement about the role, responsibilities and training of Citizen Advisory Committee members which cannot be solved locally may be referred to the Deputy Commissioner of the region or, if necessary, to the Commissioner.

TRAINING/ORIENTATION

12. The Director is responsible for the provision of adequate training and ongoing orientation of Citizen Advisory Committee members to ensure they are able to carry out their mandate.

ORGANIZATION

13. Local meetings shall be at the discretion of the committees or of the Director and the Service will endeavour to make meeting space available.

14. To promote quality of service among our facilities, the Service supports periodic national conferences to exchange information among all CAC members when there is sufficient justification for such meetings.

15. Citizen Advisory Committee members may be reimbursed travel and accommodation expenses at Treasury Board rates provided they are approved by the Director, the Deputy Commissioner of the region or the Commissioner, as appropriate.

16. National meetings require the approval of the Commissioner and regional meetings, the approval of the Deputy Commissioner.

11. Lorsqu'ils ne peuvent être réglés localement, les différends concernant le rôle, les responsabilités et la formation des membres des comités consultatifs de l'extérieur peuvent être soumis au sous-commissaire de la région ou, si besoin est, au commissaire.

FORMATION ET ORIENTATION

12. Le directeur est chargé d'assurer aux membres du comité consultatif de l'extérieur la formation appropriée et l'orientation continue qui leur permettent de remplir leur mandat.

ORGANISATION

13. Les comités ou le directeur décident de la tenue des réunions locales. Le Service s'efforcera de mettre des salles de réunion à la disposition des comités.

14. En vue de promouvoir la qualité des services offerts dans ses installations, le Service appuie la tenue périodique de conférences nationales permettant à tous les membres des CCE d'échanger des renseignements, lorsque de telles réunions sont justifiées.

15. Les frais de déplacement et de séjour des membres des comités consultatifs de l'extérieur peuvent être remboursés suivant les taux du Conseil du Trésor, s'ils ont été approuvés par le directeur, le sous-commissaire de la région ou le commissaire, selon le cas.

16. Le commissaire doit approuver la tenue des réunions nationales et le sous-commissaire, celle des réunions régionales.

17. The Service recognizes a National Executive Committee as a coordinating body for regional and local committees, with particular reference to ensuring that Citizen Advisory Committees fulfill their roles and responsibilities.

Commissioner,

17. Le Service reconnaît le comité national de direction comme l'organisme chargé de la coordination des comités régionaux et locaux, tout particulièrement pour veiller à ce que ces comités remplissent leur rôle et assument leurs responsabilités.

Le Commissaire,

Rhéal J. LeBlanc

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